

**CONSTITUTION AND BYLAWS  
OF THE  
ASSINIBOINE AND SIOUX TRIBES  
OF THE  
FORT PECK INDIAN RESERVATION  
MONTANA**

ADOPTED:               October 1, 1960  
RATIFIED:             October 1, 1960  
APPROVED:            November 30, 1960

**ARTICLE I - PREAMBLE AND NAME**

We, the adult members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our reservation affairs and business, to protect the sovereignty and the vested interest in our tribes and members under treaties, agreements, and laws heretofore started, to procure for our tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, to hereby establish this Constitution and By-Laws; with the legal names "The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana." (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "tribes" to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the "board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary;) (General Council refers to an assembly of the qualified Electors of the Tribes).

**ARTICLE II - TERRITORY /1**

The jurisdiction of the tribes shall extend to the territory within the original confines of the Fort Peck Reservation is defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212); and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

**ARTICLE III - MEMBERSHIP /2, 2a, 2b, 2c, 2d, 2e:**

Membership of the tribes of the reservation shall consist of those persons who qualify in accordance with an ordinance approved by the tribes in a referendum vote. A membership ordinance shall be submitted to the tribes simultaneously with the submission of this constitution for referendum vote by the tribes.

- /1 - Act of May 1, 1888 (25 Stat. 113), see Appendix #1
- /2 - Resolution No. 273-64-6 (Adopts Enrollment Ordinance), see Appendix #2
- /2a - Enrollment Ordinance No. 1 (Appendix A), see Appendix #2a
- /2b - Amended Enrollment Procedure, see Appendix #2b
- /2c - Application for Enrollment forms, see Appendix #2c
- /2d - Resolution No. 57-65012 (Accepts 1912 & 1916 Census), see Appendix #2d
- /2e - Resolution No. 473-68-9 (Cut-off date for Group 4 enrollment), see Appendix #2e

#### **ARTICLE IV - GOVERNING BODY /3 & 3a**

SECTION 1: The governing body of the tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety days any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council.

SECTION 2: The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-Arms, and twelve (12) Board Members.

SECTION 3: The Chairman, the Vice-Chairman, and Sergeant-at Arms and twelve (12) additional members of the Board shall be elected at large. The Secretary-Accountant shall be appointed from within or without the Board membership.

SECTION 4: The Chairman, the Vice-Chairman, the Sergeant-at-Arms, and Board members shall be elected for a two (2) year term.

SECTION 5: The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in the Executive Board proceedings.

#### **ARTICLE V - NOMINATIONS, ELECTIONS, AND VACANCIES**

SECTION 1: Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

SECTION 2: All members of the Assiniboiné and Sioux Tribes, as determined by Article III of this Constitution, who are 19 years of age or over, are eligible to vote, provided:10

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County Election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the election date.

SECTION 3: The first election of the Board under this constitution and bylaws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations and ordinances as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two

(2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

SECTION 4: Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana, and the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

3 - Amendment No. 1 (Amends Sec. 1, Art. IV), see Appendix #3

/3a - Original wording of Sec. 1, Art. IV, see Appendix #3a

/10 - Amendment No. 111, Article V - Governing Body - see Appendix No. 10.

SECTION 5: To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the Reservation

(b) A qualified candidate having resided on the Reservation at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he or she has not received a pardon.

(c) All questions of residence as referred to in this constitution shall be resolved by the Tribal Executive Board.

SECTION 6: The candidates for Chairman, Vice-Chairman, Sergeant-at-Arms and the twelve (12) additional members of the Executive Board receiving the highest number of cumulative legal votes from all the districts shall be declared elected.

SECTION 7: The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of elections, manner of protests and recount, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Codes of Montana, 1947 as amended, and effective at the time: and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Executive Board. /4, 5, & 5a, 4a, 5b

## **ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE**

SECTION 1: If a member should die, resign, be removed, or recalled from office, the Executive Board shall declare the position vacant and appoint a qualified member of the tribe, by casting nine (9) votes in favor of the appointment, to fill the vacancy until the next regular or special election. Twenty-five percent (25%) of the tribes eligible voters shall be sufficient to petition for a Special Election to be called within thirty (30) days to fill any vacancies. /6, 6a, 6b

SECTION 2: A Board Member or officer of the board may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

- (a) Permanent change of residence from the reservation.
- (b) Conviction in any court of a felony while in office and/or any course of conduct prejudicial to the tribes.
- (c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.
- (d) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.
- (e) All questions which cannot be resolved by the Tribal Executive Board shall be referred to the Fort Peck General Council.

- /4 - Ordinance No. 5 - Election Rules and Procedures
- /5 - Ordinance No. 6 - Rules Governing Candidacy for Tribal Offices
- /5a - Schedule of events for elections
- /6 - Memorandum No. 2-72, dtd Jan. 3, 1972, see Appendix #6
- /6a - Memorandum No. 5-72, dtd Jan. 10, 1972, see Appendix #6a
- /6b - Memorandum dtd Jan. 25, 1972 from Field Solicitor, see Appendix #6b
- /4a - Resolution No. 1891-75-8, dated August 29, 1975
- /5b - Resolution No. 1891-75-8, dated August 29, 1975

## ARTICLE VII - GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and FORT PECK GENERAL COUNCIL, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 1: To negotiate with Federal, State and local governments, and others on behalf of the tribes, and consult with representatives of the Department of the Interior on all activities which may affect the tribes.

SECTION 2: To employ legal counsel for the protection of the rights of the tribes.

SECTION 3: To make and enforce ordinances covering the tribes' right to levy taxes and license fees on persons or organizations doing business on the reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the tribes shall be subject to the approval of the Secretary of the Interior. /11

SECTION 4: To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the tribes.

SECTION 5: To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes or ordinances governing the conduct of the members of the tribes and non-member Indians residing within the jurisdiction of the tribes. /7

(a) To prescribe rules of inheritance, except allotted lands.

(b) To provide for and escheat of personal property to the Tribes of resident members who die interstate and without heirs.

(c) To protect and preserve its wildlife and natural resources of the reservation, and to regulate hunting and fishing on the reservation. /8, 8b, 8b

SECTION 6: To exclude from the restricted land of the reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

SECTION 7: To adopt resolutions regulating procedures of the Tribal Executive Board, its officials and committees in the conduct of Tribal affairs.

SECTION 8: No authority contained in this constitution and bylaws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions for which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the bylaws thereof.

SECTION 9: The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the tribes.

/11 - Ordinance # 74-1 (Tax Ordinance - all persons except Indians)

/7 - Res. 274-64-6 (Adopt Law & Order Code)

/8 - Res. 363-70-6 (Ordinance #1) Fish & Game Management - see Appendix #8

/8a - Ordinance No. 1-54-1 (Selling of Game) see Appendix #8a

/8b - Res. 771-72-12 (Cooperative Agreement w/various states agencies)

## ARTICLE VIII - FUTURE POWERS

The tribal Executive Board may exercise future powers as may be granted to it by the membership of the tribes by appropriate amendments to this document.

## **ARTICLE IX - RESERVE POWERS**

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this constitution.

## **ARTICLE X - BUSINESS AND FISCAL AUTHORITIES**

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this constitution and bylaws.

SECTION 1: Not more than seventy percent (70%) of the income of the Tribes in the United States Treasury shall be paid out in per capita payments each year among the enrolled members of the Tribes.

SECTION 2: To administer any funds within the control of the Tribes: to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

SECTION 3: The Tribal Executive Board shall prepare annual budget requests for advance to the control of the tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

SECTION 4: To range, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interests in lands within the Fort Peck Indian Reservation, in accordance with law.

SECTION 5: To engage in any business that will further the economic well-being of the members of the tribes, or undertake any programs or projects designed for the economic advancement of the people.

SECTION 6: To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the tribes, with the approval of the Secretary of the Interior, or his authorized representative.

SECTION 7: To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SECTION 8: To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this constitution and bylaws, provided that any

contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.



CONSTITUTION AND BYLAWS  
OF THE  
ASSINIBOINE AND SIOUX TRIBES  
OF THE  
FORT PECK INDIAN RESERVATION  
MONTANA

NAME: Fort Peck General Council and Tribal Executive Board

ORGANIZATION AUTHORITY:

RATIFIED BY THE TRIBES: October 1, 1960

APPROVED BY THE SECRETARY OF THE INTERIOR: November 30, 1960

AMENDMENTS TO THE CONSTITUTION:

#1 - Section 3, Article IV - Governing Body, approved October 12, 1971

#2 - Section 1, Article IV - Governing Body, approved May 5, 1972

#3 - Section 2, Article IV - Governing Body

BOUNDARIES: As established by the Agreement of December 28 and December 31, 1886, confirmed by the

Act of May 1, 1888 (25 Stat. 113)

GOVERNING BODY: A Tribal Executive Board, consisting of Chairman, Vice-Chairman, and Sergeant-at-

Arms. The Secretary-Treasurer shall be appointed from within or without the Board membership. Subject to the powers of the General Council.

ELECTIONS: Held on the last Saturday of October every two (2) years.

MEETINGS: (Article XI, Section 1 - GENERAL COUNCIL): Upon receipt of the petition calling for General Council the Chairman shall post notice.

TRIBAL EXECUTIVE BOARD: Regular and Special meetings as established by the Board in accordance with duly enacted resolutions.

REGULAR PLACE OF BUSINESS: Tribal Office, Poplar, Montana

## ARTICLE XI - BYLAWS

SECTION 1: GENERAL COUNCIL - Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the Time and Place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

SECTION 2: MEETINGS - The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include date, time, place, and purpose of special meetings at least three (3) days in advance.

SECTION 3: QUORUM - A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

SECTION 4: MANNER OF ACTING - The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these bylaws.

### SECTION 5: ACCOUNT

(a) The fiscal year shall begin on the first day of July, and end on the thirtieth day of June of each year.

(b) The Tribal Executives Board shall cause to be installed, maintained, and audited, a complete and detailed accounting system and such safeguards as bonding official and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(c) All checks, drafts, or other order for the payment of Tribal money, notes, or other indebtedness issued in the name of the tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

### SECTION 6: DUTIES OF OFFICERS

#### DUTIES of CHAIRMAN:

(a) He shall preside at all regular and special meetings.

(b) He shall have general and active management of the affairs of the tribes except that he shall not act on matters binding the Tribal Executive Board until that body has deliberated and decided its course of action.

- (c) He shall see that all resolutions and ordinances are carried into effect.
- (d) He shall execute all official papers of the tribes when authorized to do so.
- (e) He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.
- (f) He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which interest of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.
- (g) He shall vote in the case of a tie only.

#### DUTIES OF VICE-CHAIRMAN:

- (a) In the absence of the Chairman, he shall preside. Then so presiding, he shall have all rights, privileges and duties, as set forth above under duties of the Chairman, as well as the responsibility of the Chairman.

#### DUTIES OF THE SECRETARY:

- (a) He shall keep a book of minutes at the principal office of the tribes or at such other place as the Tribal Executive Board may order, of all meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.
- (b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this Constitution.
- (c) He shall keep the tribal roll, showing all changes therein as required by this constitution. In addition, he shall keep a current voting list.
- (d) He shall attend to all such correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

#### DUTIES OF THE SECRETARY AS ACCOUNTANT:

- (a) He shall keep and maintain, open to inspection by the members of the tribes or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribes.
- (b) He shall have care and custody of the funds and valuables of the tribes, and deposit same in the name of and to the credit of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.
- (c) Disburse the funds of the tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board a monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Account and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

DUTIES OF SERGEANT-AT-ARMS:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

## **ARTICLE XII - ROBERTS RULES OF ORDER**

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this constitution and bylaws.

## **ARTICLE XIII - MANNER OF REVIEW**

SECTION 1: Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall within ten (10) days of its enactment be presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

SECTION 2: If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

SECTION 3: If the Superintendent disapproves any resolution or ordinance, he shall within 10 days after its receipt by him advise the Tribal Executive Board in writing of his reasons therefore, and if these reasons appear to the Board insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

## **ARTICLE XIV - REFERENDUM**

Upon a petition of at least twenty-five percent (25%) of the eligible voters of the tribes, or upon request of a majority of the Tribal Executive Board Members, any enacted or proposed enactment of the Tribal Executive Board Shall be submitted to a popular referendum, and the vote of a majority of the qualified voters at that election shall be conclusive. /9

## **ARTICLE XV - AMENDMENT**

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this constitution, provided that no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

## **ARTICLE XVI - ADOPTION**

This revised constitution and bylaws when adopted by a majority vote of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

/9 - Resolution No. 1043-71-7, see Appendix #9



## CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboiné and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 756 for, and 141 against.

(sgd) Austin Buckles  
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson  
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin  
Supt., Fort Peck Agency

## APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

APPROVAL RECOMMENDED:

(sgd) Glenn L. Emmons  
Commissioner  
Bureau of Indian Affairs  
November 22, 1960

(sgd) George W. Abbott  
Assistant Secretary of the Interior  
(SEAL)



Washington, D.C.

Date: November 30, 1960

**AMENDMENT  
CONSTITUTION AND BYLAWS OF THE  
FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION  
MONTANA**

**AMENDMENT II**

Article III of the Tribal Constitution shall be amended in its entirety as follows:

SECTION 1: ORIGINAL MEMBERS OF THE COMMUNITY - Every living person whose name appears on the allotment roll of the Fort Belknap Reservation pre and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355) shall be entitled to membership in the Fort Belknap Indian Community.

SECTION 2. DESCENDANTS OF ALLOTTEES - Each person of one-fourth (1/4) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the allotment roll o the Fort Belknap Reservation prepared and approved pursuant to the Act of March 21, 1921 (41 Stat. 1355) shall automatically be entitled to membership in the Community.

SECTION 3: ADOPTION - The Community may by a majority of the votes cast by the members of the Community, adopt as a member of the Community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; provided, that any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation, and provided, further, that such person has not received membership in any other tribe of Indians.

SECTION 4: LOSS OF MEMBERSHIP - In no case will a member lose his membership other than by personal request in writing to the Community Council, or by reason of ris having established legal residence in a foreign country.

SECTION 5: DEFINITION - Whenever the term "Indian blood" is used in this article it shall be determined to mean the blood of either or both the Assiniboiné or the Gros Ventre Tribe of the Fort Belknap Reservation.

SECTION 6: CURRENT MEMBERSHIP ROLL - The membership roll of the Fort Belknap Indian Community shall be kept current by striking them from the names of persons who have relinquished in writing their membership in the Community or have established legal residence in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

SECTION 7: APPEALS - Any person who has been rejected for enrollment as a member of the Community, except those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council and the decision of the Secretary of the Interior shall be final.

SECTION 8: RULES OF PROCEDURE - The Community Council shall have the authority to proscribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of the Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

## APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 15, 1934. (48 Stat. 984) as amended, do hereby approve the attached Amendment II of the Constitution and bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

Approval recommended:

s/ Glenn L. Emmons  
Commissioner of Indian Affairs

January 19, 1959

/s/ Roger Ernst  
Assistant Secretary of the Interior  
(Seal)

Washington, D.C.

### ARTICLE III - MEMBERSHIP /1a

SECTION 1: MEMBERSHIP OF ALLOTTEES: Every living person whose name appears on the allotment roll of the Fort Belknap Reservation shall be entitled to membership in the Fort Belknap Community, and shall not be deprived of such membership without his consent.

SECTION 2: MEMBERSHIP OF DESCENDANTS: (a) Every child of one-fourth or more Indian blood born heretofore or hereafter to any member of the community who maintains a residence upon the Fort Belknap Reservation at the time of such birth shall automatically be entitled to membership.

(b) Children born heretofore or hereafter to any member of the Fort Belknap Indian Community, regardless of residence, shall be subject to adoption in accordance with Section 3 of this article, upon application by self, parent or guardian. Provided, that such person has not received membership in any other tribe of Indians.

SECTION 3: ADOPTION - The community may, by a majority of the votes cast by the members of the community, adopt as a member of the community any person of one-eighth or more Indian blood who is a descendant of a member of the Fort Belknap Tribes or community, provided that any person adopted into membership must have resided at least three years upon the Fort Belknap Reservation.

SECTION 4: LOSS OF MEMBERSHIP - In no case shall a member lose his membership other than by personal request in writing to the community council, or by reason of his having established residence in a foreign country.

**RESOLUTION**

WHEREAS, This Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts of every description, not inconsistent with law or the provisions thereof, and

WHEREAS, The Allotment roll of 1921 of the Fort Belknap Reservation constitutes the basic membership roll in the Fort Belknap Community, and

WHEREAS, This allotment roll contains a recording of the degree of Indian blood of persons listed, and

WHEREAS, It is necessary to use an acceptable and official record of blood quantum as the basis for enrollment after the January 19, 1959 constitutional amendment wherein one fourth or more Gros Ventre and/or Assiniboiné blood of the Fort Belknap Reservation is required for automatic enrollment to membership or one-eighth Gros Ventre and/or Assiniboiné blood to be eligible for adoption into membership of the Fort Belknap Community, now

THEREFORE BE IT RESOLVED, That the Fort Belknap Community Council authorized and accepts the 1921 allotment roll as the official record and basis for compiling a current membership roll, and

BE IT FURTHER RESOLVED, That the blood quantum of no individual whose name is included on the 1921 allotment roll shall be changed without substantial and acceptable proof, but in no instance shall the recorded Gros Ventre and/or Assiniboiné blood quantum be reduced, and

BE IT FURTHER RESOLVED, That the Bureau of Indian Affairs staff furnish technical assistance to the Council as available to compile and complete at an early date a membership roll of the Fort Belknap Indian Community.

**CERTIFICATION**

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 12 members of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of December 1965; and that the foregoing resolution was adopted by the affirmative vote of 7 for; 1 not voting; 0 against, 4 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

THOMAS BELL  
President

WALLACE BEAR  
Secretary

RECOMMENDATION

Approved\_\_\_ Disapproved\_\_\_ Noted X

Harold Robinson, Superintendent

THE FORT BELKNAP INDIAN COMMUNITY  
Corporation

FORT BELKNAP AGENCY, HARLEM,  
MONTANA

Address

**RESOLUTION**

WHEREAS, This Corporation is an Indian Chartered Corporation as defined under the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to prescribe rules to be followed in compiling a membership roll pursuant to Article II, Section 8, and

WHEREAS, The Constitution of the Fort Belknap Community Council prior to 1959 provided for enrollment of every child of one fourth or more Indian blood born heretofore or hereafter to any member of the Community who maintains a residence on the Fort Belknap Reservation at the time of such birth shall automatically be entitled to membership, and

WHEREAS, Prior to January 19, 1959 when the Community's Constitution was amended many individuals qualified for Tribal membership on the basis of total Indian blood and enjoyed all benefits given Tribal members, and

WHEREAS, The Constitution as amended in 1959 defined Indian blood as being Gros Ventre and/or Assiniboine blood of the Fort Belknap Reservation, and

WHEREAS, It was not intended that any prior recognized Tribal/member be removed from tribal membership by the constitutional amendment, and

WHEREAS, The Constitution as amended intended only to remove the residence requirement, now

THEREFORE BE IT RESOLVED, That all individuals who previous to the 1959 Constitutional amendment were recognized and accepted as Tribal members retained their rights as members of the Fort Belknap Indian Community.

**CERTIFICATION**

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 12 members of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of December 1965; and that the foregoing resolution was adopted by the affirmative vote of 7 for; 1 not voting; 0 against, 4 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

THOMAS BELL  
President

WALLACE BEAR  
Secretary

RECOMMENDATION  
Approved\_\_\_ Disapproved\_\_\_ Noted X

THE FORT BELKNAP INDIAN COMMUNITY  
Corporation



Harold Robinson, Superintendent

FORT BELKNAP AGENCY, HARLEM,  
MONTANA

Received by Superintendent: Dec. 16, 1965

Address

**AMENDMENT IV**  
**CONSTITUTION AND BYLAWS OF THE FORT BELKNAP INDIAN COMMUNITY OF THE**  
**FORT BELKNAP INDIAN RESERVATION, MONTANA**

Article IV of the Constitution, Organization of Community Council, shall be amended in its entirety to read as follows:

SECTION 1. COMPOSITION - The Community Council shall be composed of twelve (12) members, six (6) of whom shall be chosen every second year by popular vote. Each candidate for councilman shall pay a filing fee of \$10.00.

SECTION 2. APPORTIONMENT - Representation of the Community Council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SECTION 3. TENURE - At the first election under this amendment, and three (3) Gros Ventre and three (3) Assiniboine members receiving the highest number of total votes shall be elected for a four (4) year term of office, and the three (3) Gros Ventre and three (3) Assiniboine members receiving the next highest number of total votes shall be elected to a two (2) year term of office; thereafter, the members of the Community Council shall be elected to serve for a period of four (4) and may succeed themselves as often as re-elected.

SECTION 4. OFFICERS - The officers of the Community Council shall consist of: President, Vice-President, Secretary-Treasurer, and these officers shall be chosen by the Council when properly convened. Officers shall be elected from the Council Membership.

**APPROVAL**

I, John A. Carver, Jr. Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984) as amended, do hereby approve the attached Amendment IV to the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation.

APPROVAL RECOMMENDED:  
Commissioner of Indian Affairs

Washington D.C.  
December 31, 1964

/s/ John A. Carver, Jr.  
Assistant Secretary of the Interior  
(Seal)

## ARTICLE IV - ORGANIZATION OF COMMUNITY COUNCIL

SECTION 1: COMPOSITION - The community council shall be composed of members chosen every second year by popular vote.

SECTION 2: APPORTIONMENT - Representation on the community council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SECTION 3: OFFICERS - The officers of the community council shall consist of: President, Vice president, secretary-treasurer, and these officers shall be chosen by the council when properly convened. Officers shall be elected from the council membership.

SECTION 4: FIRST ELECTION - The first election of the community council shall be called by the present tribal council as soon as possible after the adoption and approval of this constitution and the members so elected shall serve until January 1, 1938.

**RESOLUTION**

WHEREAS, The Fort Belknap Indian Community is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts and agreements of every description not inconsistent with law or the provisions thereof, and

WHEREAS, A division line composed of four districts is needed on the Fort Belknap Reservation for administrative, political and geographic purposes, and

WHEREAS, The zoning lines between Hays, Lodgepole, lower Peoples Creek and River Districts has never had an exact line, now

THEREFORE BE IT RESOLVED, That the lines dividing the reservation into these four districts shall be as follows: (1) The township line between T. 28 N., and T. 29 N., (2) a line beginning at the North Section corner common to sections 2 and 3, T. 28 N., R. 24 E: thence south along the section lines to the South corner common to section 22 and 23, T. 26 N., R. 24 E.: (3) The Range line between R. 24 E. and R. 25 E. in townships 29, 30 and 31 N.,

BE IT FURTHER RESOLVED, That the President and Secretary-Treasurer of the Fort Belknap Indian Community be hereby authorized to sign this resolution and any other papers necessary to complete this transaction.

**CERTIFICATION**

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 10 members, constituting a quorum were present at a meeting thereof, duly and regularly called noticed, convened and held this 6th day of June, 1966; and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 9 for; 0 against; 1 not voting; 2 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

DORANCE HORSEMAN, PRESIDENT

WALLACE BEAR, SECRETARY-TREASURER

THE FORT BELKNAP INDIAN COMMUNITY  
Corporation

FORT BELKNAP AGENCY, HARLEM, MONTANA  
Address

Received by Superintendent June 14, 1966

**AMENDMENT V  
CONSTITUTION AND BYLAWS  
OF THE  
FORT BELKNAP INDIAN COMMUNITY OF THE  
FORT BELKNAP INDIAN RESERVATION: MONTANA**

Section 1(c) of Article V of the Constitution, Powers of the Community Council, shall be amended in its entirety to read as follows:

SECTION 1(c): To approve or veto any sole, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized representative, provided that no community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.

**APPROVAL**

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted us by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment V to the Constitution and Bylaws of the Fort Belnap, Indian Community of the Fort Belnap Reservation.

Approval Recommended:  
Commissioner of Indian Affairs

/s/ John A. Carver. Jr/  
Assistant Secretary of the Interior  
(SEAL)

Washington, D.C.

December 31. 1964

## ARTICLE V - POWERS OF THE COMMUNITY COUNCIL

### SECTION 1: ENUMERATED POWERS

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of the Government, provided that no community lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes.

**RESOLUTION**

WHEREAS, this is an Indian Chartered Corporation, and has full power and authority to provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior,

WHEREAS, an ordinance was adopted by the Community Council August 5, 1946, and approved October 24, 1946, by the Secretary of the Interior to provide for the appointment of legal guardians of minor children and incompetents of the Gros Ventre and Assiniboine Tribes on the Fort Belknap Reservation by their respective members of the Community Council.

WHEREAS, Resolution No. 229 was adopted December 1, 1947 to clarify a procedure for the appointment of guardians, assignment of funds to be guardians, belonging to their wards and a provision regarding the sale of land by guardians, and

WHEREAS, Resolution No. 229 was returned by Paul Fickenger, District Director for certain amendments, so therefore

**BE IT RESOLVED:**

(1) That petition or application for the appointment of legal guardians of minors or mental incompetents may be made by either parent, if living; by the minor child if over the age of 14 years; by the person having the legal custody of said minor or mental incompetent, or by the Superintendent of the Reservation, in writing, addressed to the Guardianship Committee.

(2) Notice of the hearing on such a petition or application shall be given by posting in the regular posting places for a period of 30 days next proceeding the date of hearing, advising all interested parties that they may appear at the hearing and support or oppose the appointment of such guardian.

(3) a. Petitions for the sale of land or interests in land owned by a minor or incompetent, shall be in writing, and shall set forth the reasons for sale; the location and description; the appraised value; and the use proposed to be made of the proceeds. b. In the discretion of the Community, Council, depending upon the facts deducted at the hearing, certain tracts may be designated to be sold; certain tracts may be withheld from sale, and requirement may be made that other tracts be purchased.

(4) In cases where the parent or patents are not appointed guardian because of incompetence, found to exist by the Guardianship Committee, the appointment of the person so appointed guardian must be by a two-thirds vote of the Community Council.

(5) The Guardianship Committee, may in its discretion, upon a proper showing in writing at least two days prior to the regular meeting authorize guardians to request and receive any funds credited to the accounts of their wards, for their use, support and general welfare.

(6) Regular meetings of the Guardianship Committee shall be held in conjunction with regular or special meetings of the Community Council.

(7) Permanent records shall be maintained relating to all proceedings had in all guardianship cases, and should show that all jurisdictional matters have been compiled with.

Upon approval of this ordinance by the Secretary of the Interior it shall be supplemental to Ordinance No. 191, adopted on August 5, 1946, and approved by the Secretary of the Interior on October 24, 1946.



CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Fort Belknap Indian Community of the Fort Belknap Indian Reservation hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of July, 1948; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members; and the said resolution has not been rescinded in any way.

ATTEST:

RUFUS WARRIOR, Chairman

FRANK OHLERKING, Secretary

THE FORT BELKNAP INDIAN COMMUNITY FORT BELKNAP AGENCY, HARLEM, MONTANA  
Tribal Corporation Address

July 16, 1948

**RESOLUTION**

WHEREAS, The Fort Belknap Community Council enacted Resolution No. 248, July 6, 1948, providing for the appointment of guardians of minors or mental incompetents and approved by William Zimmerman, Jr., Acting Commissioner of Indian Affairs, August 1948, and

WHEREAS, Mr. Zimmerman suggested in letter dated August 19, 1948, that this resolution or ordinance No. 248 be amended to provide that guardians be required to furnish bond.

THEREFORE BE IT RESOLVED, that resolution No. 248 be amended by adding the following provisions: that all guardians hereafter appointed shall be required to furnish bonds. The minimum amount of bond shall cover one-half of annual to furnish bonds. The minimum amount of bond shall cover one-half of annual income or one-half of cash credit on hand, and or one-half of equivalent of both of their wards.

BE IT FURTHER RESOLVED, that bonds may be either corporate or bonds furnished by individuals. Bonds and Bondsmen to be approved by the Fort Belknap Community Council, in regular or special session, and by the Superintendent.

**CERTIFICATION**

I, the undersigned, as Secretary-Treasurer of the Fort Belknap Indian Community Council of the Fort Belknap Indian Community of the Fort Belknap Reservation hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 9 constituting a quorum were present at a meeting thereof, \_\_\_y and regularly called, noticed, convened, and held this 13th day of September, 1948, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members and that said resolution has not been rescinded in any way.

ATTEST:

RUFUS WARRIOR, PRESIDENT

FRANK OHLERKING, SECRETARY

THE FORT BELKNAP INDIAN COMMUNITY  
Corporation

FORT BELKNAP AGENCY, HARLEM, MONTANA  
Address

September 23, 1948

J.W. Wellington, Superintendent

**AMENDMENT TO CONSTITUTION AND BYLAWS OF THE FORT BELKNAP INDIAN  
COMMUNITY OF THE FORT BELKNAP RESERVATION OF MONTANA**

**AMENDMENT I**

A new subsection, (s) shall be added to Article V, Section 1 of the Constitution as follows:

"(s) To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers doing business or obtaining any other special right or privilege within the reservation, including townsites therein."

**CERTIFICATION OF ADOPTION**

Pursuant to an order, approved October 2, 1942, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and Bylaws of the Fort Belknap Indian Tribes was submitted for ratification to the qualified voters of the Fort Belknap Indian tribes and was on November 2, 1943, ratified by a vote of 147 for and 64 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

Clarence Brockie, Chairman  
Fort Belknap Community Council

Frank Ohlerking, Secretary-Treasurer  
Fort Belknap Community Council

John P. Burke, Acting Superintendent, Fort Belknap Agency

I, Oscar L. Chapman, Assistant Secretary of the Interior, of the United States of America, by virtue of the Authority granted me by the Act of June 18, 1934 (48 Stat. 984) as amended, do hereby approve the attached amendment to the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation.

Approval recommended  
John Collier, Commissioner

Oscar L. Chapman, Assistant Secretary

Washington, D.C. February 7, 1944

**CONSTITUTION AND BYLAWS  
OF THE  
NORTHERN CHEYENNE TRIBE  
OF THE  
NORTHERN CHEYENNE INDIAN RESERVATION**

ADOPTED: November 2, 1935  
APPROVED: November 23, 1935  
AMENDED: April 12, 1960

**PREAMBLE /1**

We, the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and Bylaws.

**ARTICLE I - TERRITORY**

The jurisdiction of the Northern Cheyenne Tribe under this Constitution and Bylaws shall extend to the territory within the confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Order dated November 26, 1884, under the administration of Chester A. Arthur and extended March 19, 1900, under the administration of William McKinley and to such other lands as may be hereafter added thereto by any law of the United States, except as otherwise provided by law. /2 /3

**ARTICLE II - MEMBERSHIP**

SECTION 1: The membership of the Northern Cheyenne Tribe shall consist of as follows:

(a) All Persons of Northern Cheyenne Indian blood whose names appear on the official census roll as of January 1, 1935, provided that by January 1, 1962, corrections shall be made in said roll by the Tribal Council, subject to approval of the Secretary of the Interior.

(b) Each person of one-half (1/2) or more Northern Cheyenne Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Northern Cheyenne Tribe whose name was or is on the census roll referred to in Section 1 (a) shall automatically be entitled to membership in the Northern Cheyenne Tribe.

(c) All children heretofore born to any member of the Northern Cheyenne Tribe who was a resident of the Northern Cheyenne Indian Reservation at the time of the birth of said children.

/ 1 - Constitution and Bylaws revised in its entirety in 1960; Original wording of Constitution and By-

laws, see Appendix #1

/ 2 - Executive orders dated November 26, 1884 and March 19, 1900, see Appendix #2

/ 3 - Act of June 3, 1926 (44 Stat. 690), see Appendix #3

SECTION 2: 4 The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership including adoptions and the loan of membership.

### **ARTICLE III - GOVERNING BODY**

SECTION 1: The governing body of the Northern Cheyenne Tribe under this Constitution and Bylaws shall be a council which shall hereafter be known as "The Tribal Council of the Northern Cheyenne."

SECTION 2: The Tribal Council shall consist of members elected from each of the following districts: Ashland, Birney, Busby, Muddy and Lame Deer in the proportion of one number for each two-hundred (200) population and an additional member for each major fraction thereof. The present Tribal Council shall designate the boundaries of each district named herein prior to the election of the first Tribal Council and the Tribal Council thereafter shall have power to change the boundaries of the districts.

SECTION 3: The officers of the Tribal Council shall be a President who shall be nominated and elected by popular vote as hereinafter provided; a Vice President and a Sergeant-at-Arms elected by the Tribal Council from within its own number; and Secretary and a Treasurer appointed by the Tribal Council from outside its number. The Secretary and the Treasurer shall have no vote. Other officers and committees shall be appointed as provided for in the duties of the President.

SECTION 4: All elections for members of the Tribal Council and for the President shall be held on the first Tuesday in the Month of September of even numbered years. The President shall serve for four (4) and the members of the Tribal Council shall serve for two (2) years.

### **ARTICLE IV - POWERS OF THE TRIBAL COUNCIL**

SECTION 1: Enumerated Powers - The Tribal Council of the Northern Cheyenne shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Northern Cheyenne Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Northern Cheyenne Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or prevent any sale, disposition, lease or encumbrances of tribal lands, interests in lands or other tribal assets, including minerals, gas and oil.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Northern Cheyenne Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To engage in any business that will further the economic well-being of the members of the Tribe and to undertake any economic activity of any nature whatever not inconsistent with law or any of the provisions of this Constitution.

/4 - Ordinance No. 1(67), Procedures Governing Enrollment, see Appendix #4

/4a - Ordinance No. 1(63), Regulating Membership, see Appendix #4a

/4b - Ordinance No. 4(61), Relating to Membership, see Appendix #4b

(f) To administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds under control of the Tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so exposed shall be a matter of public record at all times.

The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the Tribe such money as is now or may hereafter be deposited to the credit of the Tribe in the United States Treasury or which may hereafter be appropriated for the use of the Tribe.

(g) To levy taxes or assessments upon members of the Northern Cheyenne Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation. /5

(h) To exclude from the restricted lands of the Northern Cheyenne Indian Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior. /6

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Northern Cheyenne Tribe and any other person or persons coming within the jurisdiction of the reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers. /10, 11, 12, 13

(j) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(k) To protect and preserve the property, wildlife, and natural resources of the Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior. /13

(l) To cultivate and preserve native arts, crafts, culture and Indian ceremonials.

(m) To administer charity and to protect the health and general welfare of the Tribe.

(n) To establish subordinate organizations of members of the Tribe for economic purposes.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Northern Cheyenne Indian Reservation, subject to review by the Secretary of the Interior, and to consult with the Examiner of Inheritance in all heirship findings before they are submitted to the Secretary of the Interior for determination.

(p) To regulate the domestic relations of members of the Tribe and of nonmembers married into the Tribe.

/5 - Ordinance No. 9(59) & 9-A(59), Imposition, levy and collection of a Tax and for other purposes, see Appendix #5

/6 - Ordinance No. 7(74), Expulsion and Exclusion of Non-members, see Appendix #6

/10 - Ordinance No. 14(74), Provides for the Collection of Indebtedness contracted and payable to Indian Creditors, see Appendix #10

/11 - Ordinance No. 13(74), Pertaining to the Desecration of the Flag of the United States of America, see Appendix #11

/12 - Ordinance No. 1(75), Establishes appellate procedures in No. Cheyenne Court.

/13 - Ordinance No. 2(75), Establish procedure for admission of a Spokesman in Northern Cheyenne Tribal Court.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior. /7

(r) To adopt resolutions regulating the procedure of the Council, other tribal agencies, and tribal officials of the reservation.

(s) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SECTION 2: FUTURE POWERS - The Tribal Council of the Northern Cheyenne Tribe may exercise such future powers as may in the future be given to the Council by members of the Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SECTION 3: RESERVED POWERS - Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Northern Cheyenne Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SECTION 4: MANNER OF REVIEW - Any resolution or ordinance which pursuant to this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within ten (10) days of enactment by the Tribal Council, and the Superintendent shall, within ten (10) days after receipt, approve or disapprove same.



If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten (10) days after its receipt, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## **ARTICLE V - BILL OF RIGHTS**

SECTION 1: All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

SECTION 2: All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States.

## **ARTICLE VI - ELECTIONS**

SECTION 1: All members of the Tribe eighteen (18) years of age or over shall have the right to vote at all reservation elections, except when the Federal law requires the voter to be twenty-one (21) years of age or over.

/7 - Ordinance No. 6 (64), Appointment of Guardians, see Appendix #7

/13 - Ordinance No. 6 (73), provides for the registration of all lienhold interests on cattle running or grazing on Northern Cheyenne Lands, see Appendix #13

SECTION 2: All elections (except special elections which may be called by the Tribal Council) shall be held on the first Tuesday in the month of September. The places of voting shall be designated by the Tribal Council.

SECTION 3: (a) The President shall be nominated in the following manner: Each district shall appoint the same number of electors as they have numbers on the Tribal Council and these electors shall nominate one or more candidates for the office of President.

(b) The members of the Tribal Council shall be nominated by the districts in the following manner: Each district shall nominate its candidates for membership in the Tribal Council in such manner as the Tribal Council shall designate.

(c) The list of qualified candidates for President nominated by the electors and the list of qualified candidates for Tribal Council members nominated by the districts shall be submitted to the Secretary of the Tribal Council who shall post the lists of these qualified candidates in the several districts at least three (3) weeks before the date of election.

(d) All nominations and elections shall be held in accordance with ordinances adopted by the Tribal Council. /8, 8A, 8B

## ARTICLE VII - REMOVAL FROM OFFICE

SECTION 1: Forfeiture of Office (a) Any officer or councilman found guilty of a felony in any tribal, county, State or Federal Court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election. /9

SECTION 2: REMOVAL FROM OFFICE - Any Officer or Councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

SECTION 3: Any complaint against the President, a member, an officer of the Tribal Council must be in writing and sworn to by the complainant.

SECTION 4: VACANCIES - (a) If the office of President is declared vacant it shall be filled temporarily by the Vice President and the Tribal Council shall within sixty (60) days after the vacancy occurs call for nomination and election of a President to fill the vacancy in the manner as provided in Article VI.

(b) If the office of a member of the Tribal Council becomes vacant the Tribal Council shall, at its first meeting thereafter, call an election within the district in which the vacancy occurs. Such election shall be held within the district in which the vacancy occurs. Such election shall be held within thirty (30) days after the said Council meeting.

/8 - Ordinance No. 15 (72), Nomination and Electing Tribal Officers Procedures, see Appendix #8

/9 - Ordinance No. 2 (65), Removal and discharge of members of Committees and Employees, see Appendix #9

/8A - Ordinance No. 3 (75), Amends Section 12 and 13 of Ordinance No. 15 (72)

/8B - Ordinance No. 5 (75), Amends Ordinance No. 3 (75) Clarification file petition for recount

## ARTICLE VIII - REFERENDUM

SECTION 1: Upon a petition, signed by at least ten (10) percent of the registered voters from each district, a referendum may be demanded on any tribal adoption of a person or the elimination of a person from the tribal roll, or on any proposed or enacted ordinance or resolution of the Tribal Council and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding upon the Tribal Council, provided at least thirty (30) percent of the eligible voters shall vote in such referendum.

## ARTICLE IX - LAND

SECTION 1: ALLOTTED LANDS - Allotted lands, including heirship land, within the Northern Cheyenne Indian Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Northern Cheyenne Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior, may in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land, may with the approval of the Secretary of the Interior, voluntarily convey his land to the Northern Cheyenne Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2: TRIBAL LANDS - The unallotted lands of the Northern Cheyenne Indian Reservation and all lands which may hereafter be acquired by the Northern Cheyenne Tribe or by the United States in trust for the Northern Cheyenne Tribe, sold, or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Northern Cheyenne Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

SECTION 3: LEASING OF TRIBAL LAND - (a) Tribal land may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods as permitted by law.

(b) Grazing permits covering tribal lands may be issued by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SECTION 4: ASSIGNMENTS OF TRIBAL LAND - (a) The Tribal Council may by ordinance approved by the Secretary of the Interior provide for the granting and tenure of assignments of tribal land to members of the Tribe, provided, the rights of all members of the Tribe be not violated.

(b) Any member of the Tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or for other land or a proportionate share in a larger grazing unit.

SECTION 5: USE OF UNASSIGNED TRIBAL LAND - Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council subject to the

approval of the Secretary of the Interior, for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole.

SECTION 6: PURCHASE OF LAND BY TRIBE - The Northern Cheyenne Tribal Council is hereby authorized and empowered to use tribal funds to purchase lands or interests in land for and on behalf of the Northern Cheyenne Tribe under such terms as may be agreed upon provided the purchase is approved by the Secretary of the Interior.

## **ARTICLE X - AMENDMENTS**

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds (2/3) of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the tribe.

## **ARTICLE I - BYLAWS**

SECTION 1: The President may, if he desires, preside over all meetings of the Tribal Council. He shall, with the advise and consent of the Tribal Council, appoint delegates, representatives, committees, or other officers as are deemed proper from time to time. He shall have power to fill all vacancies, not otherwise provided for in this Constitution and Bylaws, that may occur when the Tribal Council is not in session and then he shall submit the names of such appointees at the following session. It shall be his duty to see that all enactments, orders, and resolutions are properly executed. He shall have the further right of conferring with any Federal or State official on any matters that affect the welfare of the Tribe. And he shall also have the further right to confer with the several district councils.

SECTION 2: The Vice President shall act as presiding officer of the Tribal Council whenever the President does not so preside. Whenever the President does not preside, he may delegate any or all of his powers to the Vice President. In the event that the office of the President becomes vacant, the Vice President shall become temporarily President and shall perform the duties and execute the powers of President until the office of President is filled.

SECTION 3: The Tribal Council shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the President of the Council, to the Superintendent of the Reservation, to the Commissioner of Indian Affairs, and to all recognized District Councils of the Reservation.

SECTION 4: The Tribal Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council of the Northern Cheyenne. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of \_\_\_\_ to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Tribal Council Treasurer shall be subject to inspection or audit by the Direction of the Council or the Commissioner of Indian Affairs.

SECTION 5: The Sergeant-at-Arms shall be present at all regular and extra sessions and shall keep order in such meeting and shall perform such other duties as the Tribal Council may by resolution provide.

## **ARTICLE II - CERTIFICATIONS**

SECTION 1: In order for a person to be eligible for the office of President of the Tribal Council, he must be at least thirty (30) years of age and a member, by blood, of the Northern Cheyenne Tribe.

SECTION 2: Any person elected as a member of the Tribal Council must be at least twenty-one (21) years of age and a member of the Northern Cheyenne Tribe.

## **ARTICLE III - CERTIFICATION**

SECTION 1: The Tribal Council shall appoint an election board which shall certify to the elevation of all members elected and this shall be done within five (5) days after the election.

SECTION 2: I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my abilities; promote and protect the best interests of my Tribe, the Northern Cheyenne, in accordance with this Constitution and Bylaws.

This oath of office shall be administered by a Notary Public or Judge.

## **ARTICLE IV - SALARIES**

SECTION 1: The salaries of the members or other officers of the Tribal Council of the Northern Cheyenne Tribe pay is paid out of available funds within the exclusive control of the Tribal Council or out of any other available tribal funds with the approval of the Secretary of the Interior in accordance with ordinances duly enacted, provided that no Tribal Council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

## **ARTICLE V - MEETINGS AND PROCEDURE**

SECTION 1: The Tribal Council shall assemble on the first Monday after the 15th of each month.

SECTION 2: A Majority of two-thirds (2/3) of the members of the Tribal Council must be present in order to constitute a quorum to do business.

SECTION 3: Extra sessions may be called by the President or by five (5) members of the Tribal Council in writing to the President and when so called two-thirds (2/3) of the members of the Tribal Council must be present to constitute a quorum, and the Tribal Council shall have power to transact business as in regular meetings.

SECTION 4: The presiding officer in meetings of the Tribal Council shall vote only in the case of a tie.

SECTION 5: Every order, resolution, or vote to which the concurrence of the Tribal Council may be necessary (except on the question of adjournment) shall be presented to the President of the Tribal Council, and before the same shall take effect it shall be approved by him or being disapproved by him may become effective by being repassed by two-thirds (2/3) vote of the Tribal Council.

#### **ARTICLE VI - ADOPTION OF CONSTITUTION AND BYLAWS**

SECTION 1: This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Northern Cheyenne Tribe voting in a special election called by the Secretary of the Interior in which at least 30 percent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

## CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 18, 1959, by the Assistant Secretary of the Interior, the attached amended Constitution and Bylaws was submitted for ratification to the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, and was on April 12, 1960, ratified by a vote of 273 for and 67 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) John Wooden Legs  
President, Northern Cheyenne Tribal Council

(sgd) George Hiwalker, Jr.  
Secretary, Northern Cheyenne Tribal Council

(sgd) Don Y. Jensen  
Supt., Northern Cheyenne Agency

## APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the Authority granted me by the Act of June 18, 1934 (48 State. 984), as amended, do hereby approve the attached amended Constitution and Bylaws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, as adopted by the Indians of the Northern Cheyenne Indian Reservation, on April 12, 1960.

Approval recommended:

(sgd) H. Rex Lee  
Acting Commissioner  
Bureau of Indian Affairs

(sgd) Roger Ernst  
Assistant Secretary of the Interior  
(SEAL)

Washington, D.C.  
Date: July 8, 1960



**CONSTITUTION & BYLAWS  
OF THE  
CROW TRIBE  
OF THE  
CROW RESERVATION**

NAME: Crow Tribal Council

ORGANIZATION AUTHORITY:

RATIFIED BY THE TRIBE:

APPROVED BY THE SECRETARY OF THE INTERIOR: May 23, 1949

AMENDMENTS TO THE CONSTITUTION AND BYLAWS:

Unnumbered - 12/28/ 6, Article IX added to Constitution  
1 - 7/2/59, Adds Section 10 to Article VI to Constitution  
Unnumbered - 11/20/86, Article III added to Constitution

BOUNDARIES: Treaty of May 7, 1868 as amended

GOVERNING BODY: Members of the Crow Tribe with a Chairman, Vice Chairman, Secretary and Vice Secretary elected for a two (2) year term.

ELECTIONS: Held second (2nd) Saturday of May every other year.

REGULAR MEETINGS: Second (2nd) Saturday of January, April, July and October and additional meetings as called by the Chairman.

REGULAR PLACE OF BUSINESS: Crow Agency, Montana

**CONSTITUTION AND BYLAWS  
OF THE  
CROW TRIBAL COUNCIL  
PREAMBLE**

The Crow Tribe of Indians, in an effort to enforce the respect of their basic human, constitutional and treaty rights, do hereby re-establish the Crow Tribal Council to represent, act and speak for the Crow Tribe in any and all tribal matters, and to promote the general welfare of the Crow Tribe, do adopt the following constitution and bylaws for the conduct of Crow Tribal matters in conjunction with the lawful right of the Bureau of Indian Affairs to conduct same.

**ARTICLE 1**

The Crow Tribal Council shall be composed of the entire membership of the Crow Tribe.

**ARTICLE 11 /1, 1A & 1B**

The council shall elect every two (2) years, in conformity to its rules procedure, a Chairman, Vice Chairman, Secretary and Vice Secretary. The Chairman shall have no vote unless there be a tie vote before the council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

**ARTICLE III**

Any duly enrolled member of the Crow Tribe shall be entitled to engage in the deliberations and voting in matters before the Tribal Council and in all other tribal and district elections and deliberations provided, however, the enrolled member is 18 years of age or older. /2 & 2a

**ARTICLE IV**

All nominations for officers of the council and any other tribal matter before the council shall be by voice, standing, hand raising or secret ballot, as the council shall elect at each of its meetings.

**ARTICLE V**

The Crow Tribe through its tribal council, reserves unto itself the right to remove for cause any officer of the council, for misconduct or negligence or non-diligence in connection with the protection of the rights of the Crow Tribe in its relations with the Bureau of Indian Affairs or the local employees. /22

/1 As amended by Resolution No. 62-11, see Appendix No. 1

- /1a Original Constitution and Bylaws, see Appendix No. 1a
- /1b Resolution No. 63-20 (Never approved by Commissioner), see Appendix No. 1b
- /2 Unnumbered Resolution (Membership), see Appendix No. 2. As amended by Resolution No. 86-52, see Appendix No. 2
- /2a Resolution No. 66-17, Provides for appeals for enrollment, see Appendix No. 2a

## ARTICLE VI / 1

### The Powers, Duties, and Functions of the Council:

1. The council shall establish its own rules of procedure. /16 & 17
2. MEETINGS: There shall be regular tribal council meetings held each year on the second Saturday of January, the second Saturday of April, and the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.
3. NOTICE OF MEETINGS AND AGENDAS: It shall be the duty of the Secretary, or in his absence, the Vice Secretary of the Crow Tribal Council to give notice of all tribal council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency headquarters, and where possible, in the local newspapers and by radio broadcast. Notice in addition to the date; time and place of the meeting, shall list in meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of proposed resolutions or other business to be considered shall be furnished to the elected district representative by the tribal Secretary seven (7) days prior to meeting dates.
4. ITEMS OF BUSINESS: Agenda of the tribal council meeting shall include all items required by the (1) tribal Chairman and Committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters. All requests to the Chairman and Committee for a General Council meeting shall be in writing and shall clearly state the nature of the business to be presented before the general council.
5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the Council Sessions.
6. Except where otherwise specified in this Constitution and Bylaws, decisions of the council shall be by a simple majority of the vote cast.
7. The council shall perform the duties assigned to it under this Constitution and Bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective. /11 & 12
8. All matters presented and coming before the Crow Tribal Council to be voted upon by the members of the Crow Tribe shall be decided and determined by a simple majority vote.
9. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-the-reservation Indians, elected for a term of two (2) years, in accordance with the tribal council's rules of procedure, to act as executive committee to work with the officers under the general direction of the Council. The first election of these committee members shall be held within 30 days from and after adoption of this Constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2 year intervals on alternate years from the tribal officials election. Each

district shall select its own election judges from within said district whole elections shall be final and conclusive. /3

- /1 As amended by resolution No. 62-11, see Appendix No. 1
- /3 Resolution No. 62-22 (Rules for Election of Committeemen), see Appendix No. 3
- /11 Resolution No. 64-2 (Jurisdiction in Criminal and Civil Actions), see Appendix No. 11
- /12 Unnumbered Resolution, (Marriages and Divorces)
- /16 Resolution No. 115, Adopts "Roberts Rules of Order," see Appendix No. 16
- /17 Resolution No. 105, Establishes Rules of Procedure, see Appendix No. 17
- /22 Resolution No. 80-26, Giving 2/3 Vote, see Appendix No. 22

10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior. /4

## ARTICLE VII

Status and Functions of the Council:

1. The Crow Tribal Council is the voice of the Crow Tribe.
2. The Crow Tribal Council is the medium, the body, the tribal organization through which the Crow Tribe speaks to the governments and the general public.
3. The Council, representing the entire Crow Tribe, shall voice the opinions, wishes, sentiment, hopes and decisions in any and all tribal matters for the Crow people to the Congress and the Interior Department, by resolution and through tribally elected delegates who shall, under instructions of the council, proceed to Washington or elsewhere to present in person such decisions and their own arguments and appeals in support thereof as the council shall direct by majority vote. /20
4. Subject to existing Federal law which endows the Congress with plenary powers over the Indians in their tribal state, and which in turn passes such authorities down the line to the Secretary of the Interior and the Commissioner of Indian Affairs, who by regulations based upon acts of the Congress, control the management of Indian Affairs subject to constitutional limitations. The Crow Tribal Council, without legal status as such, but being the mouthpiece and the voice of the Crow people, will from time to time call to the attention of the Congress its views and wishes with respect to the administration of its rights, property and affairs by the Bureau of Indian Affairs.
5. Because of existing law governing Indian administration by the Congress herein pointed out, the Crow Council admits its limited authority on the administration of its own tribal matters, but also, understanding the constitutional limitations of the government in this same field, the Crow Tribal Council will sponsor all legislation with state, Federal and local governments on behalf of the Crow Tribe, and will, through tribal council regulations and elected delegates and

representatives, consult with and other wise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.

6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect the Crow tribal interests.

7. The American system of "majority rules" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing majority.

/4 Ordinance No. 201 (Imposition, Levy and Collection of a Tax), see Appendix No. 4

/20 Resolution No. 67-25, Provides for appointing a committee to represent the Crow Tribe, see Appendix No. 20

8. The Bureau of Indian Affairs, being a part of the United States Government, shall in no way interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only, and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration conferred upon the Congress and the Indian department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views. However, the Crow Tribal Council, regardless of same; hereby reserved unto itself the right to initiate moves looking to the protection of the Crow tribal rights and interests under their treaties and under the American constitution guaranteeing all basic human rights to all who live under the American flag; and to the equal protection of the laws of our country.

9. The Crow Tribal Council in a duly called session will decide the manner of voting, whether by districts or in the council itself or whether by secret ballots in the districts or in the council, and on this issue the local Indian Bureau representatives will have no voice whatsoever the council reserves this right unto itself. /15

/15 Resolution No. 113, Provides for manner of voting at all assemblies, see Appendix No. 15

10. Every member of the Crow Tribe, outside of the exception herein provided for, shall have equal opportunities to discuss any and every questions of tribal concern before the council, and to participate, without interference, in all votes taken upon any such questions.

## ARTICLE VIII /1

SECTION 1: This constitution and bylaws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the tribal council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.

SECTION 2: All eligible tribal members may vote at such duly called elections. The enactment of rules and procedures for conducting such an election shall be the responsibility of the tribal council. The tribal council shall enact an election ordinance. /5, 6, 7 & 21

AND BE IT FURTHER RESOLVED, that the above listed changes are those which the tribal council wishes to make in the present Crow Tribal Constitution and shall do so regardless of any or all other resolutions or provisions, and if other resolutions or constitutional changes are in conflict with the above stated rules, they shall be henceforth repealed, rescinded and expunged from the records.

#### **ARTICLE IX /8**

SECTION 1: The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm, or corporation, or jointly with any agency or department of the government of the United States of America. For the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

## BYLAWS

### ARTICLE I

#### DUTIES OF CROW TRIBAL COUNCIL

SECTION 1: The Chairman of the Council shall preside over all meetings of the Council, perform all duties of the Chairman and Exercise any and all authority detailed by the Council, and shall be entitled to vote only in care of a tie. /19

SECTION 2: The Vice-Chairman shall assist the Chairman when called upon so to do; in the absence of the Chairman, shall preside and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SECTION 3: The Secretary of the Council shall forward a copy of the minutes of all the meetings to the Superintendent of the Reservation, and the Commissioner of Indian Affairs, and the Regional Director, and shall conduct all correspondence of the Council and shall keep all records and minutes of the meetings, records as to expenditures and allotment of tribal gratuitous and other funds over which the Council has sole charge. /19

SECTION 4: The duties of all appointed special committees or officer of the Council shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such committees and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review of the Council. /18

SECTION 5: Regular and emergency meetings of the Crow Council shall be held on call of the Chairman at Crow Agency, Crow Agency, Montana.

SECTION 6: No business shall be transacted unless a quorum of 100 is present.

SECTION 7: Order of business:

- (a) Call to order by Chairman
- (b) Reading of minutes of last meeting
- (c) Unfinished business
- (d) Reports
- (e) New Business
- (f) Adjournment

/ 18 Resolution No. 203 - Adopts "Crow Tribal Plan of Operations," as amended see Appendix # 18

/ 19 Resolution No. 65-16 - Authority to sign resolutions, see Appendix #19

SECTION 8: It shall be the duty of the Chairman of the Council to duly notice all tribal council meetings of the tribe for a period of at least seven (7) days prior to such meeting date, for



decisions of the Crow Tribe affecting the sale or lease of tribal property, or of legislative matters affecting the Crow Tribe.

SECTION 9: /9 A salary is to be paid to each officer or member of the Crow Tribal Council when serving as an authorized delegate as follows:

Within the State of Montana . . . . . \$10.00 per day

Outside the State of Montana, with the  
exception of trips to Washington D.C. . . . . \$15.00 per day

To Washington D.C. . . . . \$25.00 per day

In addition to the above scale of salaries a per diem is to be paid each officer or member of the Crow Tribal Council, computed in accordance with the U.S. Government Travel Regulations and in addition to transportation via rail, air or personal car, whichever is administratively determined to be in the best interest of the Crow Tribe. /10

## **APPROVAL**

Resolution No. 31 Adopted February 3, 1955, approved by letter to the Chairman of the Crow Tribal Council from Commissioner Glenn L. Emmons dated March 18, 1955.

## **ARTICLE II**

### **RATIFICATION OF CONSTITUTION AND BYLAWS**

This Constitution and the Attached Bylaws, when adopted by a majority of those attending District Councils called to vote on accepting a Constitution and Bylaws shall be binding upon the Crow Tribe.

/9 As amended by Resolution No. 31, see Appendix #29

/10 Resolution No. 52 amends last paragraph of Resolution No. 31, see Appendix #10

## CERTIFICATE OF ADOPTION

Pursuant to the Constitutional election held on June 24, this constitution and Bylaws of the Crow Tribal Council of Montana, was adopted by a vote of 295 for and 130 against in an election in which 425 votes were cast.

Signed

---

Robert Yellowtail  
Chairman, Tribal Council

Signed

---

George Hogan, Sr.  
Secretary, Tribal Council

Signed

---

L. C. Lippert, Crow Agency

## APPROVAL

This Constitution and Bylaws, having been proposed and ratified by the members of the Crow Tribe on June 24, 1948, at a referendum, is herewith approved.

(Sgd) William Zimmerman, Jr.

---

William Zimmerman, Jr.  
Assistant Commissioner

Washington, D.D., May 23, 1949

**CONSTITUTION AND BYLAWS  
OF THE  
CHIPPEWA CREE INDIANS OF THE ROCKY BOY'S RESERVATION  
MONTANA**

ADOPTED: November 2, 1935  
APPROVED: November 23, 1935

**PREAMBLE**

We, the original and adopted members of the Rocky Boy's Band of Chippewas enrolled upon the Rocky Boy's Reservation in the State of Montana, in order to exercise our rights of self-government, to administer all tribal affairs to the best advantage of the individual members, and to preserve and increase our tribal resources, do ordain and establish this Constitution of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

**ARTICLE I - TERRITORY**

The Jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, shall extend to the territory within the Rocky Boy's Reservation as established by Act of September 7, 1916 (39 Stat 739), /1 amending the Act of February 11, 1915 (38 Stat. 807), /2 in the State of Montana, and to such lands as have been or may hereafter be acquired and added to the Reservation by law.

**ARTICLE II - MEMBERSHIP**

SECTION 1: The membership of the Chippewa Cree Tribe shall consist as follows:

- (a) All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.
- (b) All children born to any member of the Chippewa Cree Tribe of the Rocky Boy's Reservation who is a resident of the reservation at the time of the birth of said children.

/1 Act of September 7, 1916 (39 Stat. 739), see Appendix #1  
/2 Act of February 11, 1915 (38 Stat. 807), see Appendix #2

- (c) All children of one-half or more Indian blood born to a non-resident member of the Tribe.
- (d) Any person shall lose his membership if after the adoption of this Constitution he is away from the reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Any extension of membership shall be construed to include all absentee children of such member. Likewise, loss of membership by the parent shall be construed to include loss of membership by his absentee children.

SECTION 2: Any Indian, one-half blood or more and a resident of Montana, not a member of any other reservation, may become a member of this organization provided two-thirds or more of

the eligible voters cast their ballots at such election, and provided further that two-thirds of those voting at such election vote in favor of such adoption. All elections to membership shall be confirmed by the Secretary of the Interior.

### **ARTICLE III - ORGANIZATION OF GOVERNING BODY /3 & 3a**

SECTION 1: The governing body of the Chippewa Cree Tribe shall be known as the "Business Committee."

SECTION 2: The Business Committee shall consist of eight (8) members and a Chairman all of whom shall be elected on an at-large basis. The Chairman shall file for the particular office.

SECTION 3: During the first regular meeting following certification of those Committee Members elected at the biennial election, the Business Committee shall elect from within its own membership a Vice-chairman and such officers and committees as it may deem necessary. The services of a Tribal Secretary-Treasurer shall be available to the committee. Such tribal employee shall be hired on the basis of an employment contract.

/3 Article III amended in its entirety by Amendment No. 1, see Appendix #3

/3a Original wording of Article III, see Appendix #3a

SECTION 4: The term of office of the Chairman and all other committee members shall be four (4) years, or until their successors are duly elected and installed.

Those members of the Business Committee who are in office on the effective date of this amendment shall continue to serve until their successors are duly elected at the November 1972 general election and installed in office. At that election a Chairman and eight (8) committee members shall be elected. The Chairman and four (4) committee members shall be elected for terms of four (4) years (November 1972 through November 1976 unless earlier removed from office). The remaining four (4) committee members shall be elected to serve for two (2) year terms. (November 1972 through November 1974 unless earlier removed from office.) The differing lengths of terms shall apply only to the 1972 election for the purpose of establishing a system of staggered terms of office. Thereafter, all terms shall be for four (4) years. Primary elections shall be in June and general elections shall be in November of even numbered years.

The procedures for conducting the 1972 elections shall be determined by the election board and set forth in an ordinance of that body. In addition to those provisions stated in Article IV, Section 76, it shall include a procedure for determining which candidates in the June 1972 primary election will compete in the November 1972 general election for four (4) year terms and two (2) year terms. Those receiving the higher number of votes in the 1972 primary election will compete in the 1972 general election for the longer terms of office.

Candidates who wish to compete for the office of Chairman shall specifically file for that position for a four (4) year term.

SECTION 5: The Business Committee shall be empowered to establish by resolution the rates of payment to cover necessary expenses of tribal officials and/or tribal employees in connection with their attending either local or distant meetings considered to be official tribal business. The Business Committee may change the rates of payment for such expenses. However, any increase or decrease in such rates shall not apply until one (1) year from the date the increase was approved.

#### ARTICLE IV - ELECTIONS AND NOMINATIONS /4 & 4a

SECTION 1: Tribal members who are at least eighteen (18) years of age on election day shall be eligible to vote in tribal elections.

SECTION 2: To be eligible for membership on the Business Committee, candidates must have the following qualifications:

- (a) Be a member of the tribe.
- (b) Must have physically resided within the general area which encompasses the main body of the reservation or on any Land under the jurisdiction of the tribe for two (2) years immediately prior to the date of the general election.
- (c) Must be at least twenty-five (25) years of age on the date of the election.
- (d) Should a potential candidate have been convicted of a felony involving dishonesty in any State or Federal court or convicted by tribal court of a misdemeanor involving dishonesty or bribery in handling tribal affairs, such person shall not be entitled to be a candidate until five (5) years after completion of his penalty.

SECTION 3: Any member who wishes to file as a candidate for membership on the Business Committee, shall deposit with the Election Board a filing fee of \$15.00 (\$25.00 for the office of Chairman), to help defray election expenses. Such fee shall not be refunded unless the potential candidate fails to meet the qualifications. Procedures shall be set forth in the election ordinance regarding the Election Board's handling of funds received from filing fees. The filing fee may be adjusted by appropriate amendment to the election ordinance.

The Election Board shall be responsible for ensuring that only persons who meet the qualifications are accepted as candidate for elective office.

SECTION 4: In filling the four (4) vacancies which will occur each two (2) years, not more than eight (8) candidates receiving the highest number of votes in the June primary election shall compete for those four (4) positions in the November general election. The four (4) candidates receiving the highest number of votes in the general election shall be elected.

/4 Article IV amended in its entirety by Amendment #1, see Appendix #4

/4a Original wording of Article IV, see Appendix #4a

Such ordinance shall include provisions for secret balloting, absentee voting, registration of voters, a procedure for resolving election disputes and compensation for election officials. Provisions shall also be included for an impartial interpreter at the polling place during voting hours to assist those voters requesting help in casting their ballots.

Wherever possible, the Election Board shall coordinate tribal elections with State and County elections.

## **ARTICLE V - VACANCIES, REMOVAL AND RECALL /6 & 6a**

SECTION 1: If any elective official shall die, resign, permanently leave the reservation, or shall be found guilty while in office of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Committee shall declare the position vacant and direct the Election Board to call a special election to fill such vacancy. The candidate receiving the highest number of votes shall be elected.

If six (6) months or less remain before the next primary election, the vacant position shall remain vacant until it is filled at the general election following that primary, except as provided in Section 1 (f) of the bylaws.

SECTION 2: The business Committee may by an affirmative vote of at least five (5) members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated committee meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five (5) days before the meeting at which he is to appear.

SECTION 3: Upon receipt of a valid petition signed by registered voters equal in number to forty (40) percent of those who voted at the last election, it shall be the duty of the Election Board to call and conduct, within sixty (60) days, a recall election on any individual who fills an elective position. The provisions of this Section shall also apply to those election board members indicated in Article IV, Section 6. A majority of those who participate in such election must favor recall in order for it to become effective, provided those who vote constitute at least fifty (50) percent of the registered voters.

Only one (1) recall attempt may be made for any tribal official during a given term of office. No recall petition shall be acted upon until at least six (6) months of the term has expired. No more than one (1) official at a time may be considered for recall. A recall election shall not be held if an election for that office is scheduled within ninety (90) days after filing the recall petition.

Should the recall be successful, the vacancy shall be filled as provided in Section 1 of this Article. Further details needed to carry out the intent of this Article shall be set forth in the tribal election ordinance.

/6 Article V amended in its entirety by Amendment #1, see Appendix #6

/6a Original wording of Article V, see Appendix #6a

## ARTICLE VI - POWERS OF THE COMMITTEE /7 & 7a

SECTION 1: The Business Committee shall exercise the following powers subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Rocky Boy's Reservation.

(b) To employ legal counsel for the protection and advancement of the tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including oil, gas, and minerals which may be authorized or executed by the Secretary of the Interior, or the Commissioner of Indian Affairs, or any other official or agency of Government provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding that permitted by existing law, except to the extent required to implement the provisions of the loan program designed to help purchase land in trust as set forth in the Act of April 11, 1970 (84 Stat. 120). /8

(d) To advise the heads of the various Federal departments and other governmental agencies with regard to all appropriation estimates prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(e) To approve applications for selections of land in conformity with Article IX of this Constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of the tribe's Federal Charter of Incorporation.

/7 Article VI amended in its entirety by Amendment #II, see Appendix #7

/7a Original wording of Article VI, see Appendix #7a

/8 Act of April 11, 1970 (34 Stat. 120), see Appendix #8

(g) To charter subordinate organizations for economic purposes and regulate the activities of all cooperative associations of members of the tribe.

(h) To appropriate available tribal funds for tribal governmental operations, except that any proposed expenditure exceeding the tribe's anticipated annual income shall be subject to approval by a referendum vote.

(i) Future tribal income may be pledged by the Business Committee only in the manner authorized by Section 5(e) and 5(f) of the tribe's corporate charter.



(j) To levy taxes upon members of the tribe and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(k) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing tribal enrollment and abandonment of membership. /9

(l) To encourage and foster the arts, crafts, culture, and traditions of the tribe.

(m) To acquire and use for public purposes any part of a selection or land assignment, provided that adequate compensation is paid by the Business Committee to the holder of such property.

(n) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(o) To enact ordinances including a comprehensive law and order code subject to approval by the Secretary of the Interior governing the conduct of tribal members and providing for maintenance of law and order. The code shall include such items listed here but not limited to: Jurisdiction, court procedures, civil actions, domestic relations, sentences, criminal offenses, and organization and procedures of tribal police.

/ 9 Resolution No. 84-68 and Ordinance No. 03-68 (Procedures Governing Enrollment), see Appendix #9

## ARTICLE VII - POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1: All regular meetings of the Business Committee shall be open to the public, but visitors may not interfere with proceedings, and may only speak with the consent of the Chairman.

SECTION 2: /10 All resolutions and ordinances of the Business Committee shall be placed in writing and posted in public places, and copies shall be placed with each committee member. /10a

## ARTICLE VIII - REFERENDUM /11 & 11a

SECTION 1: Upon receipt of a valid petition signed by at least one-half (1/2) of the number who voted at the last election, or upon the request of a majority of the members of the Business Committee as set forth in a resolution, it shall be the duty of the Election board within sixty (60) days to submit to popular referendum any enacted or proposed ordinance or resolution of the Business Committee. The vote of a majority of those who cast ballots in such referendum shall be conclusive and binding on the committee, provided at least three-fourths (3/4) of the registered voters participate in that referendum.

Any enactment which has been effective for at least six (6) months shall no longer be subject to referendum.

SECTION 2: For the purpose of adopting or amending an election ordinance, the Election Board is empowered to call and conduct a referendum election. In such election, a majority of those who vote shall determine whether the proposal is adopted or rejected provided at least thirty (30) percent of the registered voters participate in the balloting.

## ARTICLE IX - TRIBAL LANDS

SECTION 1: No lands now within the reservation boundary, held in trust for the tribe, may be alienated nor may title pass to any individual.

SECTION 2: Any head of a family who is a member shall be entitled to the use of not more than 160 acres of land, such land to be known as "a selection."

/10 Section 2, Article VII, amended by Amendment No. I, see Appendix #10

/10a Original wording of Section 2, Article VII, see Appendix #10a

/11 Article VIII, amended in its entirety by Amendment No. I, see Appendix #11

/11a Original wording of Article VIII, see Appendix #11a

SECTION 3: Applications for selections shall be presented in writing to the Business Committee.

SECTION 4: The applicant shall be investigated by the Business Committee before action may be taken on his application.

SECTION 5: The applicant upon approval of his application shall reside upon selection and do a reasonable amount of improvement for two years before selection is finally approved.

SECTION 6: All selections approved by the Superintendent of the reservation at the time of the approval of this Constitution shall remain in effect.

SECTION 7: If any man has allowed his selection to run down, and has made no effort to keep up improvements and make a reasonable use of his land, the Business Committee shall have the right to cancel his selection after due hearing, and to reassign his land to an eligible member of the tribe provided that such member shall pay to the former occupant of the land the value of all his improvements as determined by an appraisal board appointed by the Business Committee. This valuation of the board shall be subject to review and modification by the Business Committee upon appeal by the man who loses his selection. The Business Committee may allow the man to remain in his house without the use of the land and reassign the land to any other eligible member.

SECTION 8: Tribal lands not assigned as selections may be used in common for grazing purposes by all members in accordance with ordinance or resolutions enacted by the Business Committee, or may be leased by the Business Committee with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Chippewa Cree Tribe. No lease of tribal lands to a non-member shall be made by the Business Committee unless it shall appear that no Indian Cooperative association or individual member of the tribe is able and willing to

use the land and to pay a reasonable fee for much use, provided no individual member of the tribe or cooperative association shall be given any preference as to the use of tribal land unless the stock of such individual member or association is restricted stock and bears the ID brand.

SECTION 9: Improvements of any character made upon selections may be willed to and inherited by members of the Chippewa Cree Tribe. When improvements are not possible of fair division, the Business Committee shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the Business Committee.

## **ARTICLE X - AMENDMENTS**

SECTION 1: This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by two-thirds of the eligible voters of the tribe.

## **ARTICLE XI - RIGHTS OF MEMBERS /12**

In compliance with the Civil Rights Act of 1968 (82 Stat. 77), /13 the Chippewa Cree Tribe in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble and to petition for a redress of grievances;
- (b) Violate the right of the people to be secure in their persons, houses, papers and effects against reasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against

him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense:

/12 Article XI (Rights of Members) added by Amendment No. III, see Appendix #12

/13 Act of 1968 (82 Stat. 77), Civil Rights Act, see Appendix #13

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of five hundred dollars (\$500.00) or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law; or

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

## ARTICLE XII - JUDICIAL BRANCH /14

SECTION 1: There shall be established a Judicial Branch within the tribal government to enforce ordinances and laws of the Business Committee, the Election Board and/or to administer justice through a tribal court. The Judicial Branch shall also provide an appellant body for tribal members who are aggrieved by decisions of the tribal court.

SECTION 2: There shall be established, the positions of Chief Judge and two (2) Associate Judges for the tribal court who shall be responsible to carry out the tribe's judicial functions in accordance with an approved tribal law and order code. Terms of these offices shall be four (4) years and judges shall be elected at large in accordance with the tribal election ordinance.

The Chief Judge and the two (2) associate Judges in office upon the effective date of this amendment shall continue in office until the November 1972 election unless earlier removed from office. The successful candidates at the election and thereafter shall be elected to serve for four (4) year terms.

/14 Article XII (Judicial Branch), added by Amendment #IV, see Appendix #14

## BYLAWS

SECTION 1: /15 Organization of Business Committee and Duties of Officers /15a

(a) The officers of the committee shall be the Chairman, Vice Chairman, and such officers as may be hereafter designated by the committee.

(b) The Chairman shall be elected at large. The Vice Chairman and any other officers shall be elected from within the committee by secret ballot. A nonvoting Secretary-Treasurer shall be selected from outside the committee and retained on an employment contract.

(c) The Chairman of the Election Board shall administer the oath of office to the newly-elected members of the Business Committee following certification of their election.

(d) In the absence of any officer at the meeting, the Business Committee shall elect a temporary chairman to preside for that meeting.

(e) The Chairman of the committee shall preside over all meetings of the committee, shall perform all duties of a Chairman and exercise any authority delegated to him by the committee. He shall vote only in case of a tie.

(f) The Vice Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman, shall preside. When so presiding, he shall have all of the rights, privileges, and duties as well as the responsibilities of the Chairman.

In case of a vacancy, the Vice Chairman shall succeed at once to the office Chairman until the next special or regular election for the office of Chairman in accordance with Section 1, Article V of the tribal constitution.

(g) The Secretary-Treasurer, selected pursuant to Subsection (b) above, shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his duty to submit promptly to the Superintendent and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Business Committee.

/15 Section 1, amended by Amendment #I, see Appendix #15

/15a Original wording of Section 1, see Appendix #15a

It shall be his duty to have the minutes permanently bound and ready for inspection at all reasonable times. It shall also be his duty to receive all petitions, applications, and other business papers and prepare same for presentation to the Business Committee.

The Secretary-Treasurer shall serve as clerk of the tribal Election Board in a nonvoting capacity and shall perform such services as may be set forth in an election ordinance.

The Secretary-Treasurer shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Business Committee whether they be tribal funds or special funds for which the Committee is acting as trustee or custodian. Checks and drafts shall be made out to the "Chippewa Cree Business Committee" and shall be endorsed "for deposit only." The Secretary-Treasurer shall deposit all such funds as directed by the Business Committee and shall make and preserve an accurate record of the money.

Further, he shall report on all receipts and expenditures and the amount and nature of all funds in his custody. All reports shall be in writing and submitted to the Business Committee at its

regular meetings and at such other times it may request. The Secretary-Treasurer shall not pay out or otherwise disburse any funds in his possession except when properly authorized to do so by resolution duly passed by the Business Committee. All checks shall be signed by the Secretary-Treasurer and countersigned as designated by resolution of the Business Committee.

The books and records of the Secretary-Treasurer shall be audited annually and at other times as directed by the Business Committee by a competent auditor employed by the Committee. The Commissioner of Indian Affairs may audit the tribal accounts if he deems it necessary. The Secretary-Treasurer shall be present at all meetings of the Business Committee.

#### SECTION 2: /15 Meetings /15a

(a) The Business Committee shall hold regular business meetings each month at the tribal office on a date to be set forth by resolution of the committee.

(b) Special meetings may be called at any time by the Chairman upon ten (10) hours written notice delivered to members of the Business Committee and shall be called and conducted upon petition by five (5) members of the committee.

/15 Section 2, amended by Amendment #1, see Appendix #15

/15a Original wording of Section 1, see Appendix #15a

(c) A quorum of five (5) committee members shall be present at any meeting before the committee may be officially called to order. Only members of the Business Committee shall have the right to vote.

#### SECTION 3: /15 Order of Business /15a

(a) Roll Call

(b) Reading of the minutes of previous meeting

(c) Secretary-Treasurer to report business transactions and present any bills, requisitions, claims, etc.

(d) Hearing of applications, petitions, complaints, and other business properly coming before the committee.

(e) Any other business

(f) Adjournment

#### SECTION 4: /15 Procedure for adoption of Constitution and Bylaws

(a) This Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the adult voters of Rocky Boy's Band of Chippewas voting at an election called by the Secretary of the Interior in which at least thirty (30) percent of the eligible voters shall vote,

shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

/15 See Appendix #15 (Amendment #I) last paragraph

## CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 18, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Rocky Boy's Band of Chippewas of the Rocky Boy's Reservation and were on November 2, 1935, duly adopted by a vote of 128 for, and 23 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Pub. No. 147, 74th Cong.).

JOHN PARKER  
Chairman of Election Board

MALCOM MITCHELL  
Chairman of Rocky Boy's Business Committee

JOE CORCORAN  
Secretary

EARL WOOLDRIDGE  
Superintendent

\* \* \* \* \*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 State. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared in-applicable to the Chippewa Cree Tribe of the Rocky Boy's Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended November 15, 1935.

JOHN COLLIER  
Commissioner of Indian Affairs

HAROLD L. ICKES  
Secretary of the Interior



Washington, D.C.  
November 23, 1934

\* \* \* \* \*

Amended by election held April 22, 1973 and approved by Assistant Secretary of the Interior  
Harrison Loesch May 17, 1972.

**CONSTITUTION AND BYLAWS  
FOR THE BLACKFEET TRIBE OF THE  
BLACKFEET INDIAN RESERVATION  
MONTANA**

ADOPTED BY TRIBE: November 13, 1935  
RATIFIED BY TRIBE: November 13, 1935  
APPROVED: December 13, 1935

**PREAMBLE**

We, the adult members of the Blackfeet Indian Tribe, pursuant to the authority vested in us by section 16 of the Act of June 18, 1934 (48 Statutes at Large, page 936), and amendments thereto, do hereby organize for the common welfare of said tribe and the members thereof, and for such purpose do adopt the following constitution for the government, protection, and common welfare of the said tribe and members thereof.

**ARTICLE I - TERRITORY**

The jurisdiction of the Blackfeet Tribe shall extend to the territory within the confines of the Blackfeet Reservation boundaries as defined in the agreement of September 26, 1895; /1 and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

**ARTICLE II - MEMBERSHIP**

SECTION 1: /2 & 2a The members of the Blackfeet Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1935.

(b) All children born prior to the adoption of this amendment to any blood member of the Blackfeet Tribe maintaining a legal residence /3 within the territory of the Reservation at the time of such birth.

(c) All children having one-fourth (1/4) degree of Blackfeet Indian blood or more born after the adoption of this amendment to any blood member of the Blackfeet Tribe.

/1 Confirmed by the Act of June 10, 1896 (29 Stat. 353), see Appendix #1

/2 Sec. 1, Article II amended by amendment #111, see Appendix #2

/2a Original wording of Sec. 1, Article II, see Appendix #2a

/3 Resolution No. 72-56 defines "Legal Residence," see Appendix #3

SECTION 2: The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members. /4

### **ARTICLE III - GOVERNING BODY**

SECTION 1: The governing body of the Blackfeet Tribe shall consist of a council known as the Blackfeet Tribal Business Council.

SECTION 2: /5 & 5a The Blackfeet Tribes Business Council shall consist of nine (9) members only elected from the four (4) districts of the Blackfeet Indian Reservation, which are designed as follows: Browning District, Heart Butte District, Old Agency District, and Seville District.

There shall be three (3) councilmen elected from the residents of the Browning District. There shall be two (2) councilmen elected from the residents of the Heart Butte District. There shall be two (2) councilmen elected from the residents of the Old Agency District. There shall be two (2) councilmen elected from the residents of the Seville District.

The election of all councilmen shall be submitted to the entire electorate of the reservation, provided that no one shall be elected as a councilman who has not resided in the district from which he or she is a candidate at least six (6) months preceding the time when he or she shall become a candidate for each office.

SECTION 3: In lieu of the districts as herein described the tribal council shall have the power to establish communities, and the basis of representation on the tribal council from such communities, subject to popular vote.

SECTION 4: (a) The tribal council so organized shall elect from its membership: (1) A chairman; (2) a vice chairman.

(b) The tribal council shall elect from within or outside of its own membership: (1) A secretary; (2) a sergeant-at-arms; (3) such other officers and communities as may be deemed necessary.

/4 Ordinance No. 14 (Enrollment), see Appendix #4

/5 Section 2, Article III, amended by Amendment No. IV, see Appendix #5

/5a Original wording of Section 2, Article III, see Appendix #5a

### **ARTICLE IV - ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL**

SECTION 1: /6 & 6a The first elections of the tribal council hereunder shall be called and supervised by the present tribal council within thirty (30) days after the ratification and approval of this constitution. Members of the Tribal Council shall be elected for a term of two (2) years by the eligible voters of the Blackfeet Tribe, except the council members elected on January 20, 1948 shall serve until July 1950. Thereafter, the terms of office of the members

of the Tribal Council shall expire on the first Thursday in July of even-numbered years. Elections of council members shall be held on the third Tuesday in June of even-numbered years.

SECTION 2: Each qualified candidate for the tribal council shall file notice of his candidacy with the secretary of the tribal council at least fifteen (15) days prior to the election. The list of candidates shall be posted by the secretary of the tribal council, in the respective districts, not less than ten (10) days prior to the election.

SECTION 3: All elections shall be held in accordance with the rules and regulations laid down by the tribal council, or an election board appointed by the tribal council. /15

SECTION 4: The places of voting shall be designated by the tribal council. /15

SECTION 5: All elections shall be by secret ballot.

SECTION 6: It shall be the duty of the members of the tribal council, or a board appointed by them, to certify to the election of the duly elected tribal council members. This shall be done within 5 days after each election.

SECTION 7: Any member of the Blackfeet Tribe, eighteen (18) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district. /7 & 7a

/6 Section 1, Article IV, amended by Amendment #II, see Appendix #6

/6a Original wording of Section 1, Article IV, see Appendix #6a

/7 Section 7, Article IV, Amended by Amendment #VIII see Appendix #7

/7a Original wording of Section 7, Article IV, see Appendix #7a

/15 Election Ordinance No. \_\_\_, see Appendix #15

## ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1: If a council member or official shall die, resign, permanently leave the reservation, or shall be removed for cause, the council shall declare the position vacant and shall elect to fill the unexpired term, provided that the person elected to fill the unexpired term shall be a resident of the district in which the vacancy occurred.

SECTION 2: /8 & 8a The Blackfeet Tribal Business Council may expel a member for cause by two-thirds (2/3) or more members of the entire Blackfeet Tribal Business Council voting for expulsion. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting, and the decision of the Blackfeet Tribal Business Council shall be final.

SECTION 3: /8 & 8a Any member of the Blackfeet Tribe who has ever been convicted of a felony in any court for which he has not received a pardon or a restoration of civil rights shall be ineligible for office and any tribal council member or other tribal officer found guilty by the

Blackfeet Tribal Business Council of gross neglect of duty, misconduct reflection on the dignity of the tribe or Blackfeet Tribal Business Council, habitual drunkenness, or repeated unexcused absences from official functions shall be expelled from office and shall be barred from holding any tribal office for the next succeeding term.

## ARTICLE VI - POWERS OF THE COUNCIL

SECTION 1: ENUMERATED POWERS: The council of the Blackfeet Reservation shall exercise the following powers, subject to any limitations embodied in the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Blackfeet Tribe.

/8 Sections 2 & 3a Article V, amended by Amendment #IV, see Appendix #8

/8a Original wording of Section 2 & 3, Article V, see Appendix #8a

(b) To employ legal counsel for the protection and advancement of the rights of the Blackfeet Tribe and its members; the choice of counsel and the fixing of fees to be approved by the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

(d) To advise the Secretary of the Interior in regard to all appropriation estimates or Federal projects for the benefit of the Blackfeet Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To manage all economic affairs and enterprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands, in accordance with the terms of a charter to be issued to the Blackfeet Tribe by the Secretary of the Interior.

(f) To make assignments of tribal lands to members of the Blackfeet Tribe in conformity with Article VII of this constitution.

(g) /9 & 9a To manage tribal affairs in an acceptable and business-like manner and in accordance with the administrative plan, call the Plan of Operations, and by amendments as necessary, subject to approval by the Secretary of the Interior or his duly authorized representative. All salaries or remuneration shall be paid as set forth in the Plan of Operations. The Tribe shall pay only for services officially authorized in the administrative plan and actually received. The amount shall be a matter of public record.

(h) To regulate and license all business or professional activities conducted upon the reservation, subject to the approval of the Secretary of the Interior and to levy assessments for

public purposes, provided that any assessments upon non-members trading or residing within the jurisdiction of the tribe shall be subject to the approval of the Secretary of the Interior.

/9 Section 1 (g), Article VI, amended by Amendment #VI, see Appendix #9

/9a Original wording of Section 1 (g), Article VI, see Appendix #9a

(i) To exclude from the land owned by the tribe or its members not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To requisition community labor for public purposes of the tribe and to purchase land from members of the tribe under condemnation proceedings in courts of competent jurisdiction, subject to review by the Secretary of the Interior.

(k) To promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances. /10

(l) To regulate the inheritance of real and personal property other than allotted lands within the Blackfeet Reservation, subject to review by the Secretary of the Interior.

(m) To encourage and foster Indian arts, crafts, culture and traditions.

(n) To enact ordinances not inconsistent with Article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the Blackfeet Reservation. /4

(o) To provide for the appointment of guardians for minors and mental incompetents, by ordinances or resolutions, subject to the approval of the Secretary of the Interior.

(p) To promulgate rules and regulations governing fishing, hunting, and trapping on the Blackfeet Reservation. /14

/10 Law & Order Code

/4 Ordinance No. 14 (Enrollment), see Appendix #4

/14 Ordinance No. 30 (Use of Snowmobiles for Hunting & Fishing), see Appendix #14

(q) To adopt resolutions regulating the procedure of the council itself, and of other tribal agencies and tribal officials of the reservation.

(r) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SECTION 2: MANNER OF REVIEW: Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or

disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision. If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Blackfeet Tribal Business Council of his reason thereof. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3: FUTURE POWERS: The council of the Blackfeet Reservation may exercise such further powers as may in the future be delegated to the council by the numbers of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

SECTION 4: RESERVED POWERS: Any right and powers heretofore vested in the tribe or band of the Blackfeet Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Blackfeet Reservation through the adoption of appropriate bylaws and constitutional amendments.

## **ARTICLE VII - LAND**

SECTION 1: ALLOTTED LANDS: Allotted lands, including heirship lands, within the Blackfeet Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing laws such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Blackfeet Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land, may, with the approval of the Secretary of the Interior, voluntarily convey his or her land to the Blackfeet Tribe, either in exchange for a money payment or in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2: TRIBAL LANDS: The unallotted lands of the Blackfeet Reservation, and all lands which may hereafter be acquired by the Blackfeet Tribe or by the United States in trust for the Blackfeet tribe, including tribal timber reserve, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. /11 Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Blackfeet Tribe, or leased, or otherwise used by the tribe as hereinafter provided.

/11 Resolutions No. 45-71, 81-71, 132-72, 37-55 and Solicitors Opinion make exception for F>H>A> loan, see Appendix #11

SECTION 3: LEASING OF TRIBAL LANDS: Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

No lease of tribal land to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4: GRANT OF "STANDARD" ASSIGNMENTS: In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than forty (40) acres of irrigated agricultural land, one hundred and sixty (160) acres of dry agricultural land or three hundred and twenty (320) acres of grazing land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed \$2.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SECTION 5: TENURE OF STANDARD ASSIGNMENTS: If any member of the tribe holding a standard assignment of land shall for a period of one (1) year fail to use the land so assigned or shall use such land for any unlawful purposes, his assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Blackfeet Tribe who would be eligible to receive a "Standard" assignment.

SECTION 6: GRANT OF "EXCHANGE" ASSIGNMENTS: Any member of the tribe who owns an allotment or any share of heirship land or any deeded land within the reservation may voluntarily transfer his interest in such lands to the tribe in exchange for an assignment to the



same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as exchange assignments.

SECTION 7: LEASING OF EXCHANGE ASSIGNMENTS: Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8: INHERITANCE OF EXCHANGE ASSIGNMENTS: Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Blackfeet Tribe, except that a life assignment may be made to the surviving child, widower or widow of the holder of an assignment.

(b) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than eighty (80) acres, and no areas of agricultural land shall be subdivided into units smaller than 2-1/2 acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees, grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(c) Such lands may not be reassigned to any heir or devisee holding under allotment or assignment more than two sections of grazing land or other land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section of this article.

SECTION 9: INHERITANCE OF IMPROVEMENTS: Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Blackfeet Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SECTION 10: EXCHANGE OF ASSIGNMENTS: Assignments may be exchanged between members of the Blackfeet Tribe by common consent in such manner as the tribal council shall designate.

SECTION 11: USE OF UNASSIGNED TRIBAL LAND: Tribal land which is not leased or assigned, including tribal timber reserves, be managed by the tribe for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SECTION 12: PURCHASE OF LAND BY TRIBE: /12 Tribal funds may be used to acquire land under the following circumstances: /11

(a) Patent in fee land within or adjacent to the boundaries of the Blackfeet Indian Reservation may be purchased either with funds under the control of the Blackfeet Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds.

(b) Restricted or trust land, including land in heirship status, may, with the consent of the owner, be purchased with funds under the control of the Blackfeet Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds, under such terms as may be agreed upon, and restricted or trust title taken. /12a

SECTION 13: METHOD OF MAKING ASSIGNMENTS: Application for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, getting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

/11 See Appendix #11 for Land Purchase Plan of Operations

/12 Section 12, Article VII, amended in its entirety by Amendment #V, see Appendix #12

/12a Original wording of Section 12, Article VII, see Appendix #12a

## ARTICLE VIII - BILL OF RIGHTS

SECTION 1: SUFFRAGE: Any member of the Blackfeet Tribe, eighteen (18) /7 & 7a years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

SECTION 2: ECONOMIC RIGHTS: All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SECTION 3: CIVIL LIBERTIES: All members of the tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SECTION 4: RIGHTS OF ACCUSED: Any member of the Blackfeet Tribe accused of any offense shall have the right to a bond, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

## ARTICLE IX - REFERENDUM

Upon a petition of at least one-third (1/3) of the eligible voters of the Blackfeet Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

/7 Section 1, Article VIII, amended by Amendment #VIII, see Appendix #7

/7a Original wording of Section 1, Article VIII, see Appendix #7a

**CONSTITUTION AND BYLAWS  
OF THE  
BLACKFEET TRIBE  
OF THE  
BLACKFEET INDIAN RESERVATION - MONTANA**

NAME: Blackfeet Tribal Business Council

ORGANIZATION AUTHORITY: Sec. 16, Act of June 18, 1934 (48 Stat. 987), as amended by the act of  
June 15, 1935

RATIFIED BY THE TRIBE: November 13, 1935

APPROVED BY THE SECRETARY OF THE INTERIOR: December 13, 1935

AMENDMENTS TO THE CONSTITUTION AND BYLAWS:

- # 1     Approved January 18, 1946 - Article III, Section 2 - Governing Body, (Constitution)
- # 2     Approved May 24, 1950 - Article IV, Section 1 - Elections and Nominations for Tribal Council (Constitution)
- # 3     Approved August 30, 1962 - Article II, Section 1 - Membership (Constitution)
- # 4     Approved August 3, 1964 - Article III, Section 2 - Governing Body; Article V, Sections 2 and 3 Vacancies and Removal from Office (Constitution)
- # 5     Approved August 3, 1964 - Article VII, Section 12 - Land (Constitution)
- # 6     Approved August 3, 1964 - Article VI, Section 1 (g) - Powers of the Council (Constitution)
- # 7     Approved August 3, 1964 - Article V, Sections 1, 2 and 3 - Meetings (Bylaws)
- # 8     Approved March 7, 1974 - Article IV, Section 7 - Voting Age (Constitution)  
          Article VIII, Section 1 - Bill of Rights

BOUNDARIES: Established by the Agreement of September 26, 1895, ratified by the Act of Congress of June 10, 1896 (29 Stat. 353)

GOVERNING BODY: Nine (9) council members elected from four (4) districts

ELECTIONS: All members elected every even-numbered year

REGULAR MEETINGS: First Thursday of each month

REGULAR PLACE OF BUSINESS: Tribal Headquarters, Browning, Montana

**BYLAWS  
OF THE  
BLACKFEET TRIBAL BUSINESS COUNCIL  
OF  
MONTANA**

**ARTICLE 1**

To be eligible for membership on the Blackfeet Indian Tribal Council, it will be necessary that the Indian be a member of the Blackfeet Tribe, living on the Blackfeet Reservation for at least six (6) months prior to the date of election at which he or she may become a candidate. The council in office shall determine whether or not he or she is an eligible candidate for the district which he or she proposes to represent.

**ARTICLE II - INSTALLATION OF ELECTED BUSINESS COUNCIL CANDIDATES**

The newly elected candidates to the tribal council shall be installed in office at the first regular meeting of the council after certificate of their election has been issued.

**ARTICLE III - POLLING PLACES**

Polling places shall be established as follows until otherwise provided by ordinance of the tribal council: Browning District; Seville District; Heart Butte District; Old Agency District; Agency Community Hall, Babb Ranger Station; Agency Community Hall; Heart Butte Community Hall, Little Badger Community Hall; Old Agency Community Hall.

**ARTICLE IV - JUDGES AND CLERKS**

On each election day there shall be employed and stationed at each polling place three (3) election judges and two (2) clerks, who shall be named by the council in office. The judges shall judge the election and the clerks will record and tally votes.

**ARTICLE V - MEETINGS /13 & 13a  
(Meetings and Procedures)**

SECTION 1: A regular Blackfeet Tribal Business Council meeting shall be called on the first Thursday of each month, and special meetings may be called by the Chairman of the Blackfeet Tribal Business Council at such times as are deemed necessary. Meeting will be held at the Tribal Headquarters in Browning, Montana. Regular Blackfeet Tribal Business Council meetings will be open to the public and from time to time the public will be invited to participate in the discussion of matters of importance to the tribe.

SECTION 2: Two-thirds (2/3) of the members of the entire Blackfeet Tribal Business Council must be present to constitute a quorum to legally transact the business of the Blackfeet Tribal Business Council.

SECTION 3: All decisions shall be by a majority vote of the Blackfeet Tribal Business Council members at meetings at which a quorum is present; with the exception that a two-thirds (2/3) vote of the entire Blackfeet Tribal Business Council shall be necessary to rescind any former action of the Blackfeet Tribal Business Council, and that this section shall not supersede any article in this Constitution that requires a vote in conflict with this amendment.

## ARTICLE VI - DUTIES OF OFFICERS

CHAIRMAN: The chairman shall preside at all council meetings.

VICE CHAIRMAN: Should the chairman not be present at a meeting the vice chairman shall preside in his stead.

SECRETARY: The secretary shall call the roll at the opening of each meeting. He then shall read the minutes of the previous meeting. The minutes shall be approved by the council, after which it shall be the secretary's duty to call to the attention of the council any unfinished business of the previous meeting. Further, the secretary shall read to the council all communications which, during the month have been received by said council. It shall be the duty of the secretary to answer all correspondence after it has been discussed and a decision made by the council.

SERGEANT-AT-ARMS: It shall be the duty of the sergeant-at-arms to keep order at all council meetings.

/13 Article V amended in its entirety by Amendment #VII, see Appendix #13

/13a Original wording of Article V, see Appendix #13a

## ARTICLE VII - PROCEDURE OF ADOPTION

This constitution and the attached bylaws, when adopted by a majority vote of the voters of the Blackfeet Tribe voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

## CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 19, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Blackfeet Tribe of the Blackfeet Reservation and were on November 13, 1935, duly accepted by a vote of 884 for and 157 against in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 174, 74th Cong.).

JOSEPH W. BROWN  
Chairman of Election Board

JOSEPH W. BROWN  
Chairman of Blackfeet Tribal Business Council

LEO M. KENNERLY  
Secretary

WARREN L. O'HARA



Superintendent

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Blackfeet Tribe of the Blackfeet Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by laws are hereby declared inapplicable to the Blackfeet Tribe of the Blackfeet Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

APPROVAL RECOMMENDED.

A.C. MONAHAN  
Acting Commissioner of Indian Affairs

HAROLD L. ICKES  
Secretary of the Interior  
(SEAL)

WASHINGTON, D.C., December 13, 1935

#### ARTICLE X - AMENDMENTS

The constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

**AMENDMENT  
CONSTITUTION AND BYLAWS  
FOR THE  
BLACKFEET TRIBE  
OF THE  
BLACKFEET INDIAN RESERVATION  
OF  
MONTANA**

**AMENDMENT IX**

ARTICLE III, Section 2, GOVERNING BODY AND ARTICLE IV, ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL, shall be amended to read:

**ARTICLE III - GOVERNING BODY**

SECTION 2: The Blackfeet Tribal Business Council shall consist of none (9) members duly elected from the four districts of the Browning District, Heart Butte District, Seville District and Old Agency District.

The election of all Tribal Council members shall be submitted to the entire electorate of the Reservation, provided that no one shall be elected as a councilman who has not resided within the exterior boundaries of the Blackfeet Indian Reservation for a period of 1 year immediately prior to being a candidate and who has not resided in the district from which he or she is a candidate at least six (6) months immediately prior to the time when he or she shall become a candidate for such office.

**ARTICLE IV - ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL**

SECTION 1: Members of the Tribal Council shall be elected for a term of two (2) years by the eligible voters of the Blackfeet Tribe.

SECTION 2: Members of the Blackfeet Tribal Business Council shall be elected to specifically enumerated seats as follows: position shall be elected to specifically enumerated seats as follows: position one, two, three, four, five, six, seven, eight, and nine. Position one, two, and three shall be from the Browning District, four and five from the Heart Butte District, six and seven from the Seville District and eight and nine from the Old Agency District.

SECTION 3: (a) A primary election for Tribal Council membership shall be held on the first Tuesday in June of even numbered years, commencing in the year 1978.

(b) The two candidates receiving the largest and second largest number of votes for each of the positions enumerated in section 2 shall be certified as to their nominations as candidates for the general election by the Blackfeet Tribal Election Board within seventy-two (72) hours of the closing of the polls of the primary election. In the event of a tie vote in any one position, those

candidates tied with one of the top two will be certified as to their nomination as candidates for the general election.

SECTION 4: (a) A general election for Tribal Council Membership shall be held on the last Tuesday of June of even numbered years commencing in the year of 1978.

(b) The candidate receiving the largest number of votes for each of the positions enumerated in second 2 shall be certified by the Blackfeet Tribal Election Board to the Blackfeet Tribal Business Council as having been elected to the position sought on the Blackfeet Tribal Council within seventy-two (72) hours of the closing of the polls of the General Election.

SECTION 5: The terms of office of the members of the Blackfeet Tribal Business Council shall expire on the second Thursday in July of even numbered years.

SECTION 6: (a) Each qualified candidate for the Blackfeet Tribal Business Council shall file a notice of candidacy with the Blackfeet Tribal Election Board at least twenty (20) days prior to the primary election and shall at that time declare the one position sought.

(b) The list of primary election candidates shall be posted by the Blackfeet Tribal Election Board in at least ten (10) conspicuous locations on or near the Blackfeet Indian Reservation not less than ten (10) days prior to the primary election.

Publication in a newspaper of general circulation on the Blackfeet Indian Reservation shall constitute two such postings.

(c) The list of general election nominees shall be posted by the Blackfeet Tribal Election Board in at least ten (10) conspicuous locations on or near the Blackfeet Indian Reservation not less than ten (10) days prior to general election. Publication in a newspaper of general circulation on the Blackfeet Indian Reservation shall constitute two such postings.

SECTION 7: All elections shall be held in accordance with the rules and regulations laid down by the Blackfeet Tribal Council or by an Election Board appointed by the Tribal Council.

SECTION 8: Voting places shall be designated by the Tribal Council, or, if so authorized by the Council, by the Election Board.

SECTION 9: All elections shall be by secret ballot.

SECTION 10: Any member of the Blackfeet Tribe eighteen (18) years of age or older shall be eligible to vote when he or she presents himself or herself to the polling place wherein he or she is assigned to vote.

#### **APPROVAL**

I, James F. Canan, Area Director, Billings Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to the commissioner of Indian Affairs by 230 D.M. 1.1., and

redelegated to me by 10 BIAM 3.1, do hereby approve Amendment IX to the Constitution and Bylaws of the Blackfeet Tribe of Blackfeet Indian Reservation, Montana.

\_\_\_\_\_  
Date

\_\_\_\_\_  
James F. Canan, Area Director, Billings Area Office

**CONSTITUTION AND BYLAWS  
OF THE  
FORT BELKNAP INDIAN COMMUNITY  
OF THE  
FORT BELKNAP RESERVATION  
OF MONTANA**

**PREAMBLE**

We, the duly enrolled members of the Fort Belknap Reservation in the State of Montana, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this Community, do establish this Constitution of the Fort Belknap Indian Community.

**ARTICLE I—OBJECTIVES**

It shall be the object of the Fort Belknap Indian Community:

- (a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Fort Belknap Reservation.
- (b) To establish and enforce such rules as may be necessary to safeguard Indian property for the use of present and future generations.
- (c) To obtain for all Indians of this Community, for the present and future generations, lands needed for home and livelihood.

**ARTICLE II—TERRITORY**

The jurisdiction of the Fort Belknap Indian Community shall extend to all lands now contained within the Fort Belknap Reservation and to any lands that may in the future be added thereto.

**ARTICLE III—MEMBERSHIP**

SECTION 1. ORIGINAL MEMBERS OF COMMUNITY. Every living person whose name appears on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall be entitled to membership in the Fort Belknap Indian Community.

SECTION 2. DESCENDANTS OF ALLOTTEES. Each person of one-fourth (1/4) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall automatically be entitled to membership in the Community.

SECTION 3. ADOPTION. The Community may by a majority of the votes cast by the members of the Community, adopt as a member of the community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; PROVIDED, That any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation, and PROVIDED, FURTHER, That such person has not received membership in any other tribe of Indians.

SECTION 4. LOSS OF MEMBERSHIP. In no case shall a member lose his membership other than by personal request in writing to the Community Council or by reason of his having established legal residence in a foreign country.

SECTION 5. DEFINITION. Wherever the term "Indian blood" is used in this Article it shall be determined to mean the blood of either or both the Assiniboiné or the Gros Ventre Tribe of the Fort Belknap Reservation.

SECTION 6. CURRENT MEMBERSHIP ROLL. The membership roll of the Fort Belknap Indian Community shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Community or have established legal resident in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

SECTION 7. APPEALS Any person who has been rejected for enrollment as a member of the Community, EXCEPT those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council, and the decision of the Secretary of the Interior shall be final.

SECTION 8. RULES OF PROCEDURE. The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this Article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

#### **ARTICLE IV—ORGANIZATION OF COMMUNITY COUNCIL**

SECTION 1. COMPOSITION. The Community Council shall be composed for four (4) members, all of whom shall be chosen every second year by popular vote, a President and Vice President who shall be chosen every four (4) years by popular vote, and a Secretary-Treasurer who shall be appointed in accordance with Section 4 of this Article. Every candidate for elected office shall pay a filing fee of \$10.00.

SECTION 2. CREATION OF DISTRICTS: APPORTIONMENT. There shall be created by the Community Council two (2) Gros Ventre and two (2) Assiniboiné voting districts on the reservation. The actual enumeration for each district shall be made prior to July 1st of each election year. Representation on the Community Council shall consist of two (2) Gros Ventre and

two (2) Assiniboiné members, one representative from each tribe residing in each district and having been elected by the members of his or her tribe in that district. The President and Vice President shall be a team of one (1) Gros Ventre and one (1) Assiniboiné, elected as a team at-large.

SECTION 3. TENURE. The Gros Ventre and Assiniboiné candidates for each district shall be elected for a two (2) year term and may succeed themselves at will. The President and Vice President shall be elected for a four (4) year term and may succeed themselves at will.

SECTION 4. OFFICERS. The officers of the Community Council shall consist of: a President and Vice President who shall be elected at-large, and a Secretary-Treasurer, who shall be appointed by the President and confirmed by majority vote of the district representatives when properly convened, and who shall be an enrolled member of either the Gros Ventre or Assiniboiné Tribes, qualified to perform the financial and administrative duties of Secretary-Treasurer as defined by the Community Council. The Secretary-Treasurer of the Community Council, as a non-elected officer, shall not be entitled to vote on matters before the Community Council. Once confirmed, the Secretary-Treasurer shall serve at the pleasure of the President.

#### ARTICLE V—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. ENUMERATED POWERS. The Council of the Fort Belknap Community shall have the following powers, the exercise of which shall be subject to popular referendum as provided hereafter:

- (a) To negotiate with the Federal, State and local governments on behalf of the Community and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Belknap Community.
- (b) To employ legal counsel for the protection and advancement of the rights of the Community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior or his duly authorized representatives, PROVIDED, that no Community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.
- (d) To submit through proper government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of this Community.
- (e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Fort Belknap Indian Community.

- (f) To manage the economic affairs of the Community and to appropriate available funds for public purposes.
- (g) To assess fees against members of the Community or their property to obtain funds for payment of expenses of the Community Council or for carrying on any project that in the Council's opinion may be beneficial to the Community as a whole, PROVIDED, HOWEVER, That any district, not directly benefited by any project under contemplation, may be a majority vote of the people of the district, exempt itself from such assessment. In case of dispute as to whether a certain district is benefited by a given project, any party may appeal to the Commissioner of Indian Affairs for a final determination.
- (h) To exclude from the territory of the Community persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
- (i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.
- (j) To purchase land of members of the Community for public purposes, under condemnation proceedings in courts of competent jurisdiction.
- (k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Community by ordinances which shall be subject to approval by the Secretary of the Interior.
- (l) To establish ordinances relating to the assignment, use or transfer of tribal lands within the jurisdiction.
- (m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Community.
- (n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Community.
- (o) To regulate the domestic relations of members of the Community.
- (p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
- (q) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Fort Belknap Reservation.



- (r) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to each boards, councils, or officials or to cooperative associations which are open to all members of the Community any of the foregoing powers, reserving the right to review any action taken by virtue of each delegated power.
- (s) To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers doing business, or obtaining any other special right or privilege within the reservation, including townsites therein.

SECTION 2. MANNER OF REVIEW. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. FUTURE POWERS. The Council of the Fort Belknap Community may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SECTION 4. RESERVED POWERS. Any rights and powers heretofore vested in the tribes of the Fort Belknap Indian Community but not expressly referred to in this constitution shall not be abridged by this Article but may be exercised by the people of the Fort Belknap Community through the adoption of appropriate bylaws and constitutional amendments.

## **ARTICLE VI—INITIATIVE AND REFERENDUM**

Whenever a matter of great importance comes before the Council the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two (2) members of the Council, or one hundred members of the Community, may within thirty (30) days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two (2) referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten (10) days prior to the election. The notice shall

contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved. Yes ( ). No ( )." The will of the majority of those voting shall be the law, PROVIDED at least one-third of the eligible voters actually vote.

## ARTICLE VII—ELECTION

SECTION 1. RIGHT TO VOTE. All members of the Community of either sex, eighteen (18) years of age or over, are entitled to vote at any election when he or she presents himself or herself at any polling place in the voting district wherein the member resides, or in the case of nonresidents, absent or infirm eligible voters, by absentee ballot, which shall be mailed to such voters upon written request. Eligible nonresident members of the Community Council utilizing the duly enacted Election Ordinance during the enumeration process. Each member of the Community shall be entitled to vote for one candidate from their designated tribe for the council seat from their designated district. Each member of the Community shall be entitled to one vote for the President and Vice President, who shall run for office as a team and be elected by all voters at-large.

SECTION 2. TIME OF ELECTIONS. A primary election shall be held in each district. The two (2) candidates for each office in each district receiving the most votes shall progress to a general election in which the candidate receiving the majority of the votes shall be elected and seated. For the offices of President and Vice President, the two (2) teams receiving the most votes at-large shall progress to a general election in which the team receiving the majority of the votes at-large shall be elected and seated. Primary elections for membership on the Community Council shall be held on the first Tuesday of November of the second year, and the general elections shall be held on the first Tuesday in December of the same year. Duly elected Council members shall take office immediately upon certification of the election results.

SECTION 3. MANNER AND PLACE OF ELECTIONS. Elections shall be taken by ballot, and polling places in each district shall be established by the Council. Absentee ballots, including those of nonresidents, shall be counted in the district and with the tribal affiliation to which the voter has been designated in the enumeration process. The Council shall appoint three (3) election judges to serve at each polling place for each election, and the judges shall certify the results of the election.

SECTION 4. NOMINATIONS. Candidates for election to membership on the Community Council shall give public notice of such intention at least thirty (30) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention including a statement of residency in the district within which he or she wishes to run for office, a statement of tribal affiliation for such office, and an endorsement by five (5) duly qualified electors from the same tribe and same district, other than immediate relatives. Candidates for election to the Presidency and Vice Presidency shall give public notice of such intention at least thirty (30) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention, including a statement of reservation residency, a statement of affiliation of one (1) member of the team as a Gros Ventre and one (1) as an Assiniboine, and an endorsement of the team by five (5) duly qualified electors from each tribe, other than immediate relatives.

## ARTICLE VIII—REMOVAL FROM OFFICE

SECTION 1. FORFEITURE OF OFFICE. Any member of the Community Council who shall be absent from three (3) consecutive regular meetings of the council, unless such absence shall be excused for cause, or who shall be convicted of any offense involving dishonesty, shall automatically forfeit his office.

SECTION 2. IMPEACHMENT. The Council may expel a member for cause by a two-thirds vote, after due notice of charges and allowing an opportunity to be heard.

SECTION 3. VACANCIES. When vacancies on the Council exist more than 270 days before an election to fill Council seats, the President shall issue a writ of election to fill such vacancies. At least thirty (30) days notice of such election shall be given, and if more than two (2) candidates file for a vacancy, the Council may conduct a primary to reduce the number of candidates to two (2) for the position. In the event there occurs a vacancy in the office of President, the Vice President shall assume the office of President and shall then appoint a Vice President from within the tribe of the former President. In the event there occurs a vacancy in the office of Vice President, the President shall appoint a Vice President from within the tribe of the former Vice President.

SECTION 4. RECALL. (a) Any person elected to the Council, including the President and Vice President as a team, shall be subject to recall from that office. In the case of a councilman, recall shall be initiated by a petition signed by no less than forty percent (40%) of the number of votes cast by tribal members in the councilman's district for that position in the last general election preceding the recall petition. In the case of recall of the President and Vice President, recall shall be initiated by a petition signed by no less than forty percent (40%) of the total number of at-large votes cast for the position at the last general election preceding the recall petition.

(b) Every recall petition must contain a general statement of cause, in not more than two hundred (200) words, of the grounds of such demand for recall, and must be filed at the office of the Secretary-Treasurer of the Council. The subject of the recall petition shall immediately be served with a copy of the recall petition and shall have ten (10) days from the date of service to file his/her response to the general statement of cause, in not more than two hundred (200) words, with the Secretary-Treasurer of the Council. Each signatory must add to his or her signature the date of signing, his or her residency and tribal affiliation.

(c) If the subject of the recall offers his or her resignation, it shall be accepted by the Council. If he or she does not resign within ten (10) days after a recall petition is filed, a special recall election shall be ordered and held, not less than twenty (20) nor more than thirty (30) days after such filing, to determine whether the subject should be recalled. On the ballots at said election the reasons set forth in the recall petition together with the subject's response, in no more than two hundred (200) words, shall be printed for review by the voters. The subject shall continue to hold office until the results of the election are officially declared by the Council. The subject shall be recalled in the event that a majority of the voters in the special recall election vote for such recall. Such action to certify the election results shall be taken as soon as possible after the election.

(d) No recall petition shall be circulated against a councilman until he or she has been in office for a period of eight (8) months. Should a recall petition fail, the subject shall not be subjected to further recall action within one (1) year of the special recall election.

#### **ARTICLE IX—AMENDMENTS**

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, PROVIDED, That at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Community.

**BYLAWS OF THE  
FORT BELKNAP INDIAN COMMUNITY  
OF THE  
FORT BELKNAP RESERVATION  
OF MONTANA**

**ARTICLE I—DUTIES OF OFFICERS**

SECTION 1. PRESIDENT. It shall be the duty of the President to preside at all meetings of the Council and to direct the work of its officers. He shall appoint such standing committees as are provided for in the bylaws and constitution and such temporary committees as the business of the Community may require. He shall issue all necessary writs for regular or special elections, setting dates, place of polling, cause due notices to be posted, and in other ways perform any and all duties devolving upon his office with diligence and dispatch.

SECTION 2. VICE PRESIDENT. The Vice President shall preside at any meeting of the Council from which the President is absent, and in the event of the death of the President or his resignation or removal from office, he shall serve the remainder of the term as President.

SECTION 3. SECRETARY-TREASURER. The Secretary-Treasurer shall conduct the correspondence of the Community Council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the Council has sole charge. He shall keep an accurate record of all members of the Community, prepare necessary resolutions for appropriate actions by the Council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the President, such reports or registers as the President or council may direct. He shall be required to give bond acceptable to the Community and the Commissioner of Indian Affairs.

**ARTICLE II—QUALIFICATIONS OF OFFICE**

No person shall represent the Community on the Council unless he is a duly enrolled member of the Community who has attained the age of twenty-five (25) years, and who has never been convicted of a major crime.

**ARTICLE III—SALARIES**

The councilmen shall receive as compensation for their services not to exceed \$3.00 per day while in session, and a mileage fee of five cents (\$.05) per mile for travel from their home to place of meeting and return. Expenses shall be paid from tribal funds. The Community Council may fix salaries of officers or committeemen.

**ARTICLE IV—MEETINGS AND PROCEDURES**

SECTION 1. REGULAR MEETINGS. The Community Council shall assemble on the first Monday of every month.

SECTION 2. SPECIAL MEETINGS. A special meeting may be called upon two (2) days notice by the President or by any four (4) members of the Council.

SECTION 3. QUORUM. A majority of the members shall constitute a quorum to do business.

SECTION 4. RULES OF ORDER. The Council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SECTION 5. PLACE OF MEETINGS. The official meeting place of the Community Council shall be at the agency headquarters unless otherwise agreed.

SECTION 6. DISQUALIFICATION FOR INTEREST. No member of the Council shall cast a vote on any question in which he may have a personal pecuniary interest.

## **ARTICLE V—LAND**

SECTION 1. ALLOTTED LANDS. Allotted lands, including heirship lands, within the Fort Belknap Reservation shall continue to be held by their present owners as heretofore. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort Belknap Community. Likewise it is recognized that under existing law the Secretary of the Interior may remove restrictions upon such land, upon application by the Indian owners, whereupon the land will become subject to State taxes and may then be mortgaged or sold to non-Indians. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort Belknap Community, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2. COMMUNITY LANDS. The unallocated lands of the Fort Belknap Reservation, and all lands which may hereafter be acquired by the Fort Belknap Community, shall be held as Community lands and shall not be allotted to individual Indians but may be assigned to members of the Fort Belknap Community, or leased, or otherwise used by the Community as hereinafter provided.

SECTION 3. LEASING OF COMMUNITY LANDS. Community lands may be leased by the Community Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of Community lands preference shall be given first, to Indian cattle associations, and, secondly, to individual Indians who are members of the Fort Belknap Community. No lease of Community land to a nonmember shall be made by the Community Council unless it shall appear that no Indian cattle association or individual member of the Community is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering Community land may be issued by the Community Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Free grazing privileges covering not to exceed 30 head of cattle or an equivalent amount of other livestock, may be assigned on Community grazing land by the Community Council, to members of the Community who do not have any grazing land.

SECTION 4. GRANT OF "STANDARD" ASSIGNMENT. In any assignment of Community lands which are now owned by the Community or which may be hereafter acquired for the Community by the United States, or purchased by the Community out of Community funds, preference shall be given to members of the Community who have no allotted lands or previous assignments of Community lands.

Members of the Community, who at the time of allotment on the Fort Belknap Reservation accepted a cash settlement in lieu of allotted lands, are considered as having allotted lands, and no preference will be shown such members by reason of their being landless.

No allotted members of the Community who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Community Council may if it sees fit, charge a fee not to exceed \$25.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the Community and shall be known as "standard" assignments.

SECTION 5. TENURE OF STANDARD ASSIGNMENTS. If any member of the Community holding a standard assignment of land shall, for a period of two (2) years fail to use the land so assigned, or shall, after due warning from the proper Community officials, persist in using such land for any unlawful purpose, his assignment may be cancelled by the Community Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this Article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, PROVIDED such persons are members of the Fort Belknap Community who would be eligible to receive a "standard" assignment.

SECTION 6. GRANT OF "EXCHANGE" ASSIGNMENTS. Any member of the Community who owns an allotment or any share of heirship land may, with the approval of the Secretary, voluntarily transfer his interest in such land to the Community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SECTION 7. LEASING OF EXCHANGE ASSIGNMENTS. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8. INHERITANCE OF EXCHANGE ASSIGNMENTS. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Community Council to his heirs or devisees, subject to the following conditions:

- (a) Such lands may not be reassigned to any heir or devisee who is not a member of the Fort Belknap Community, EXCEPT that a life assignment may be made to the surviving widower or widow of the holder of an assignment.
- (b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,000 acres of grazing land, or other land or interests in land of equal value, either under allotment or under exchange assignment.
- (c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 40 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, EXCEPT that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Community Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.
- (d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SECTION 9. INHERITANCE OF IMPROVEMENTS. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort Belknap Community or otherwise disposed of under such regulations as the Community Council shall provide. No permanent improvements shall be moved from the land without the consent of the Community Council.

SECTION 10. EXCHANGE OF ASSIGNMENTS. Both standard and exchange assignments may be exchanged between members of the Fort Belknap Community by common consent in such manner as the Community Council shall designate.

SECTION 11. USE OF UNASSIGNED COMMUNITY LAND. Community land which is not assigned, including Community timber reserves, shall be managed by the Community Council for the benefit of the members of the entire Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole.



SECTION 12. PURCHASE OF LAND BY COMMUNITY. Available tribal funds may be used to acquire land under the following conditions:

- (a) The Fort Belknap Indian Community Council may, in accordance with law, purchase land within the Fort Belknap Reservation or adjacent thereto; and may exchange tribal lands for other lands within the reservation, subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (b) The Community may purchase any land from its members who desire to sell to the tribe.

SECTION 13. METHOD OF MAKING ASSIGNMENTS. Applications for assignment shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description for the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three (3) conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the Council. Any member of the Community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Community.

The Council shall draw up one or more forms for standard and exchange assignments, which forms shall be subject to the approval of the Secretary of the Interior.

#### **ARTICLE VI—ADOPTION**

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Fort Belknap Indian Community voting at a special election called for the purpose by the Secretary of the Interior, PROVIDED, That at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

## CERTIFICATE OF RESULTS OF ELECTION

Pursuant to the Secretarial election authorized by the Deputy Commissioner of Indian Affairs on \_\_\_\_\_, the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, was submitted to the qualified voters of the Fort Belknap Indian Community and on \_\_\_\_\_, was duly adopted/rejected by a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, and \_\_\_\_\_ cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the \_\_\_\_\_ members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Date:

## APPROVAL

I, \_\_\_\_\_, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer  
Assistant Secretary - Indian Affairs

Washington, D.C.

Date:

**CONSTITUTION AND BYLAWS OF THE  
CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD RESERVATION**

**PREAMBLE**

We, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Confederated Tribes of the Flathead Reservation.

**ARTICLE I--TERRITORY**

The jurisdiction of the Confederated Salish and Kootenai Tribes of Indians shall extend to the territory within the original confines of the Flathead Reservation as defined in the Treaty of July 16, 1855, and to such other lands without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

**ARTICLE II--MEMBERSHIP**

SECTION 1. The membership of the Confederated Tribes of the Flathead Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes as of January 1, 1935.

(b) All children born to any member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation who is a resident of the reservation at the time of the birth of said children.

SECTION 2. The Council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the Confederated Tribes.

SECTION 3. Representation from the districts hereby designated shall be as follows: Jocko Valley and Mission Districts, two councilmen each, Ronan, Pablo, Polson, Elmo-Dayton, Hot Springs-Cama-Prairie, and Dixon, one councilman each.

SECTION 4. The Tribal Council shall have the power to change the districts and the representation from each district, based on community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of delegates shall not be changed as provided for in section 2 of article III of this Constitution.

SECTION 5. The Tribal Council so organized shall elect from within its own number a chairman, and a vice chairman, and from within or without its own membership, a secretary, treasurer, sergeant-at-arms, and such other officers and committees as may be deemed necessary.

SECTION 6. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Confederated Tribes of the Flathead Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election.

SECTION 7. The Tribal Council of the Confederated Tribes of the Flathead Reservation shall be the sole judge of the qualifications of its members.

## **ARTICLE IV--NOMINATIONS AND ELECTIONS**

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present Tribal Council within 30 days after the ratification and approval of this Constitution, and thereafter elections shall be held every two years on the third Saturday prior to the expiration of the terms of office of the members of the Tribal Council. At the first election, five councilmen shall be elected for a period of two years and five for a period of four years. The term of office of a councilman shall be for a period of four years unless otherwise provided herein.

SECTION 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SECTION 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Council, within the district of his residence, notifying the Secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post in each district at least 10 days before the election, the names of all candidates for the Council who have met these requirements.

SECTION 4. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council within 5 days after the election returns.

SECTION 5. Any member of the Confederated Tribes of the Flathead Reservation who is 21 years of age or over and who has maintained a legal residence for at least one year on the Flathead Reservation shall be entitled to vote.

SECTION 6. The Tribal Council, or a board appointed by the Tribal Council, shall designate the polling places and appoint all election officials.

## **ARTICLE V--VACANCIES AND REMOVAL FROM OFFICE**

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be from the district in which such vacancy occurs.

SECTION 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, and provided further, that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

## **ARTICLE VI--POWERS AND DUTIES OF THE TRIBAL COUNCIL**

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws;

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian

arts, crafts, and culture, to administer charity; to protect the health, security, and general welfare of the Confederated Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Flathead Confederated Tribes and their members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Departments of the Government of the United States on all matters affecting the affairs of the Confederated Tribes.

(d) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered or leased for a period in excess of five years, except for Governmental purposes.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Confederated Tribes, prior to the submission of such estimates to the Congress.

(f) To manage all economic affairs and enterprises of the Confederated Tribes in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Confederated Tribes in conformity with article VIII of this Constitution.

(h) To appropriate for tribal use of the reservation any available applicable tribal funds, provided that any such appropriation may be subject to review by the Secretary of the Interior, and provided, further, that any appropriation in excess of \$5,000 in any one fiscal year shall be of no effect until approved in a popular referendum.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may also be applied to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which may be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with article II of this Constitution governing adoptions and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Confederated Tribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its powers and duties.

(m) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Confederated Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Flathead Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Confederated Tribes.

(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Confederated Tribes, and incompetents subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Confederated Tribes or Tribal Council for this purpose.

(s) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SECTION 2. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: Provided, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefore, and the Council, if such reasons appear to be sufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SECTION 3. The council of the Confederated Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Confederated Tribes.

SECTION 4. Any rights and powers heretofore vested in the Confederated Tribes but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate bylaws and constitutional amendments.

## ARTICLE VII--BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of 21 years shall have the right to vote in all tribal elections, subject to any restrictions as to residence as set forth in article IV.

SECTION 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SECTION 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, speech, press, and assembly.

SECTION 4. Any members of the Confederated Tribes accused of any offense, shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested, by any member accused of any offense punishable by more than 30 days' imprisonment, and excessive bail or cruel or unusual punishment shall not be imposed.

## ARTICLE VIII--LAND

SECTION 1. *Allotted Lands*--Allotted lands, including heirship lands, within the Flathead Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment.

SECTION 2. *Tribal lands*--The unallotted lands of the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Confederated Tribes or by the United States in trust for the Flathead Confederated Tribes, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SECTION 3. *Leasing of tribal lands*--Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4. *Grants of standard, assignments*--In any assignment of tribal lands which are now owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 80 acres of agricultural land, or other land or interest in land of equal value.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of lands as a landless Indian.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "Standard Assignments."

The Tribal Council may, if it seems fit charge a fee of not to exceed \$5.00 on approval of an assignment of land made under this section.

SECTION 5. *Tenure of standard assignments*--If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "Standard Assignment," his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a "Standard Assignment."

SECTION 6. *Grant of exchange assignment*--Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservations, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land or to other lands of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange Assignments."

SECTION 7. *Leasing of exchange assignments*--Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SECTION 8. *Inheritance of exchange assignments*--Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.



(b) Such lands may not be reassigned to any heir or devisee who already holds more than 320 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SECTION 9. *Inheritance of improvements*--Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SECTION 10. *Exchange of assignments*--Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

(a) *Use of unassigned community land*--Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION 11. *Purchase of land by community*--Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Flathead Reservation, or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution may be purchased by or for the Confederated Tribes with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon.

(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Confederated Tribes who desires to leave the reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SECTION 12. *Method of making assignments*--Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council,

and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on the application for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

## **ARTICLE IX--REFERENDUM**

SECTION 1. Upon a petition of at least one-third (n ) of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

## **ARTICLE X--AMENDMENTS**

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third (n ) of the qualified voters, members of the Confederated Tribes.

## **BYLAWS**

### **ARTICLE 1--THE TRIBAL COUNCIL**

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall be entitled to vote on all questions.

SECTION 2. The vice chairman shall assist the chairman when called on so to do, in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SECTION 3. The Council secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Reservation and to the Commissioner of Indian Affairs.

SECTION 4. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SECTION 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SECTION 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof,

by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given: "I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, to carry out faithfully and impartially, the duties of my office to the best of my ability; to cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and Bylaws."

SECTION 7. Regular meetings of the Tribal Council shall be held on the first Saturdays of January, April, July, and October, at 9:00 o'clock a.m., at the Flathead Agency.

SECTION 8. Special meetings may be called by a written notice signed by the chairman or a majority of the Tribal Council and when so called the Tribal Council shall have power to transact business as in regular meetings.

SECTION 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds (2/3) of the entire membership.

SECTION 10. Order of business:

- (a) Call to order by chairman.
- (b) Roll Call.
- (c) Reading of minutes of last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

SECTION 11. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected, concerning the proceedings of the Tribal Council.

SECTION 12. The Tribal Council may prescribe such salaries for officers or members of the Council as it deems advisable, from such funds as may be available.

## ARTICLE II--ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the member of the Confederated Tribes.

SECTION 2. All final decisions of the Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SECTION 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION 4. *Legislative forms*--Every ordinance shall begin with the words: "Be it enacted by the Council of the Confederated Salish and Kootenai Tribes--."

SECTION 5. Every resolution shall begin with the words: "be it resolved by the Council of the Confederated Salish and Kootenai Tribes--."

SECTION 6. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this Constitution under which authority for the said ordinance or resolution is found.



### ARTICLE III--RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the attached Bylaws, when adopted by a majority vote of the voters of the Confederated Tribes voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

---

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and were on October 4, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 147, 74th Cong.).

ROY E. COURVILLE,  
Chairman of Election Board

JOSEPH R. BLODGETT,  
President of Tribal Council

LUMAN W. SHOTWELL  
Superintendent and ex officio  
Secretary of the Tribal Council

MARTIN (his thumb mark) CHARLO,  
Chief Confederated Salish  
Tribe  
PAUL (his thumb mark) KOOS TA-  
TA,  
Chief Kootenai Tribe

Witnesses to mark:  
HENRY MATT  
NICOLAI LASSAW

I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended October 26, 1935  
JOHN COLLIER  
Commissioner of Indian Affairs

Harold L. Ickes

Secretary of the Interior  
[SEAL]

WASHINGTON, D.C.  
October 28, 1935